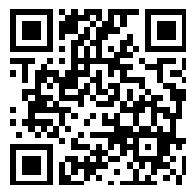


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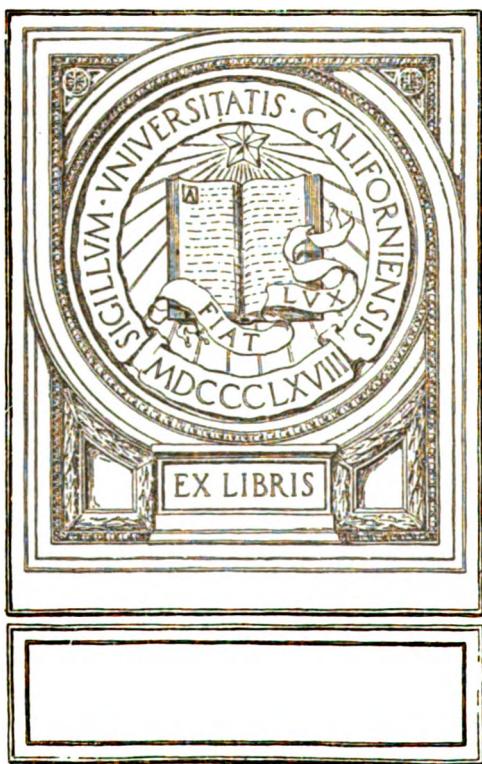
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TO THE  
AMERICANS



Herbert C. Cooks

# PRISONERS OF WAR

*by*

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*THIS BOOK IS DEDICATED TO  
ALL AMERICANS WHO THROUGH THE  
MISFORTUNES OF WAR HAVE BEEN TAKEN  
PRISONERS OF WAR, AND TO THOSE  
WHO HAVE DIED FIGHTING TO PREVENT  
CAPTURE.*

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STATE OF  
CALIFORNIA

## Preface

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The collection of data concerning the treatment of prisoners of war was begun by me while taking a post graduate course in law leading to the degree of master of laws, George Washington University, Washington, D. C., 1919. Charles E. Hill, the professor of international law, gave the class about forty subjects and required each member to select a subject and to write a thesis. I had then only recently returned from the World War having served with the First U. S. Division in all its engagements prior to and including the battle of St. Mihiel, September 12, 1918, (Lorraine, Picardy, Cantigny, Montdidier, Soissons) and with the 37th division in Flanders during the Ypres-Lys offensive, October 31-November 4-5, 1918, (Eyne-Audenarde). Many captives had been taken by the organizations with which I served hence there was on the battle fields of France and Flanders an opportunity to observe the *application* of international law concerning the *capture* of prisoners of war. The topic entitled "Treatment of Prisoners of War" was accordingly selected. It was found so interesting that it was decided to continue the study, and it was also learned that no less eminent a person than Colonel George B. Davis (later judge advocate general of the army) had said that there had been but little done on this subject as a whole by American students. (*Journal of International Law*, July 1913.) To the book in French "*Le prisonnier de guerre*" treating of captives of the Eastern continents principally of Europe prior to 1910, by du Payrat a retired French army officer frequent reference has been made for M. du Payrat worked two years in the preparation of that book. An effort has been made to trace the development of the principles which pertain to prisoners of war from remote times until the

present using numerous practical examples and to point out the efforts that have been made to improve the fate of captives as well as what further progress may be made.

An expression of appreciation is here made for valuable help and suggestions by many persons and especially the following: Armand du Payrat, retired French army officer; Carl P. Dennett, American Red Cross commissioner at Geneva, World War; Colonel John H. Wigmore, formerly in charge of International law work, Judge Advocate General's office; Charles E. Hill, professor of international law, George Washington University, Washington, D. C.; Henry F. Sturdy, professor of English, U. S. Naval Academy; Dr. Anna I. Miller, professor of English, Goucher College, Baltimore, Md.; American Red Cross headquarters, Washington, D. C.; the librarian, office Judge Advocate General, Miss Nancy Morrison; the librarian, Army War College, Miss Nancy Barn-dollar; Samuel E. Lafferty, and Clifton Kaufman of the Peabody library, Baltimore, Maryland; Major General Charles S. Farnsworth, Chief of Infantry, U. S. army; Hugh H. L. Bellot (D. C. L.), Secretary international law association, London, England; Colonel W. H. Waldron, editor *Infantry Journal*, Washington, D. C.; John Hays Hammond, Jr.; Dr. John W. Garrett, a commissioner who signed the treaty of Berne, Switzerland, November 11, 1918; and my brother Nelson H. Fooks.

HERBERT C. FOOKS,

*the author.*

## Introduction

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War is as old as the world. Records of it are found throughout the human race. It will never cease to demand consideration if we draw our conclusions from the past events and the unsettled conditions at present. Diplomatic efforts may cause wars to be less frequent; international conferences accomplish a good deal; international courts may help, but when all these and other peaceable methods fail and the independence of a nation is in peril there is often only one solution,—war. For this reason it is important to study the consequences of war and to search for means of making war less horrible, thus in time of peace doing the greatest good and in time of war the least evil.

In time of peace the rights of belligerents should be secured by such agreements as are likely to be followed in time of war. The sentiments of humanity have already found a place in the intercourse of belligerents with each other. The usages of chivalry, the Christian spirit, and the softening of manners have produced international agreements which have had a wholesome effect. International law as other law is born from necessity and to provide a remedy for certain infringements of rights of others to prevent such violations of rights.<sup>1</sup>

Since the time of Grotius such international struggles have been studied carefully by many jurists. A result of these studies may be found in documents like the declaration of Paris of 1856 upon maratime neutrality; the convention of Geneva of 1864 and 1906 pertaining to sick and wounded soldiers; the declaration of St. Petersburg prohibiting the use of explosives, and the convention of the Hague of 1899 concerning the laws and customs of war on land; the meeting at Berne, Switzerland,

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<sup>1</sup>du Payrat, p. 1.

concerning the exchange of prisoners; the studies of the international law association pertaining to prisoners of war and the suggested regulations prepared by it; and the international conference of the Red Cross held at Geneva, March, 1921.

The vast number of persons who are taken prisoners of war makes the matter of handling them properly a matter of great importance also. More than 300,000 were captured during the war of 1870-71, about 100,000 during the Tureo-Prussian struggles, and also during the Russo-Japanese war. During the World War there were taken as prisoners of war, many million persons. Although the United States engaged in the World War only for a brief period the records of the Adjutant-General's office shows that the American forces captured 48,976 Germans.<sup>1</sup> There were captured about 4,120 American soldiers distributed among the various combat divisions as follows:

Division	Americans Taken	Division	Americans Taken
	Prisoners		Prisoners
28th -----	726	90th -----	80
26th -----	451	79th -----	80
77th -----	405	30th -----	77
3rd -----	314	4th -----	70
82nd -----	239	29th -----	67
27th -----	228	81st -----	51
35th -----	169	91st -----	28
32nd -----	156	36th -----	25
1st -----	151	37th -----	23
78th -----	123	7th -----	20
42nd -----	102	88th -----	9
80th -----	101	6th -----	3
5th -----	98		
		Total	4120 <sup>2</sup>

<sup>1</sup>Report of the Adjutant General of the Army to the Secretary of War, 1919.

<sup>2</sup>Letter to author from the Adjutant General's office, Washington, D. C., 1921.

# PART I—THE CAPTURE

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## CHAPTER I

### Who Is a Prisoner of War?

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**A. Definition.** At the outset there should be a definition of the term "prisoner of war"; but it is difficult to find one that applies in every case. Nearly all treaties involving the question, and almost all of the conventions and rules relating to prisoners of war merely enumerate the individuals who should be considered as such, describe the treatment to which they are entitled, and the conditions under which their capture and liberation operate. The American instructions, 1863, art. 49, par. 2, contains the following definition: "A prisoner of war is a public enemy armed or attached to the hostile army for

active aid who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation, all soldiers of whatever species of arms; all men who belong to the rising *en masse* of the hostile country; all those who are attached to an army for its efficiency and promote directly the objects of the war, except such as are herein-after provided for; all disabled men or officers on the field or elsewhere, if captured, all enemies who have thrown away arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences and entitled to the privileges of a prisoner of war". (See also, art. 50). The conference of Brussels, 1874, provided that prisoners of war are lawful and disarmed enemies. Modern civilized nations include in the definitions the words "*and carry arms openly*" for the combatant forces because this is a condition required by the regulations of The Hague. This definition includes practically all the individuals susceptible of being captured as prisoners of war and excludes traitors and spies who do not fight openly. It applies, however, to captives of modern times and civilization only. A recent definition contained in an agreement between Great Britain and Germany is that prisoners of war comprise those officers, officials, non-commissioned officers and enlisted or enrolled persons, male or female, of all branches and Corps of the army, navy and marine corps, whether on the active, retired, or reserve lists, who are captured while in the active service of the *armed forces* of their state of origin. Persons of the sanitary personnel are excluded.<sup>1</sup> This would include combatants and non-combatants for *armed forces* of a belligerent under Rule 3 of The Hague in case of capture. But would it also include the *levy en masse* not in the active service?<sup>2</sup>

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<sup>1</sup>Annex 7, Agreement between the United States of America and Germany concerning prisoners of war, sanitary personnel and civil prisoners, Nov. 11, 1918, p. 61.

<sup>2</sup>U. S. Manual, pp. 23, 26; American Instructions, 1863, art. 49, 51.

The chapter concerning prisoners of war in the Brussels Declaration (article 23-24) began with a definition as follows: "Prisoners of war are lawful and disarmed enemies." This definition was the residuum of a longer definition in article 23 of the first draft submitted to the Brussels conference by the Russian government. In consideration of the vagueness of the last mentioned definition and the difficulty of preparing a better one, it was agreed to omit the definition and to describe the treatment to be accorded prisoners of war. For this reason Article 4, which corresponds to article 23 of the Declaration of Brussels, begins with these words, "Prisoners of war are under the power of the hostile government, etc." (*Hague Rules*, art. 4.)

#### B. History of development of laws, customs, and regulations pertaining to prisoners of war.

##### 1. Cruel fate of prisoners of war in antiquity.

In the examination of the ancient records for data concerning prisoners of war, one is impressed by the fact that there was no conception of captives as we think of them today. The struggles were then fierce and implacable; the people then tried to exterminate the conquered. Moderation was regarded as an offense even among the most religious nations, as is shown by the following: "thus saith the Lord of Hosts \* \* \* go and smite Amalek; and utterly destroy all they have, and spare them not; but slay both man and woman, infant and sucking, ox and sheep \* \* \* and Saul gathered the people together and numbered them, Telaim two hundred thousand footmen, and ten thousand men of Judah \* \* \* and he took Agag, the king of the Amalekites, alive and would not utterly destroy them. \* \* \* Then came the word of the Lord to Samuel, saying, it repenteth me for that I have set Saul up as king; for he \* \* \* has not kept my commandments". (*See Bible, Samuel, Chap. XV, 3; du Payrat, p. 9.* Later the Syracusan general Hemoceratus was condemned to

exile for having prescribed that his troops treat the Athenian armies, which were in disorder, with moderation. Death was the fate of the vanquished. The captives were fortunate if tortures were not also inflicted. The ancient peoples thought it necessary in order to destroy the power of an adversary to exterminate the individuals of the adversary. "Slay, and slay on", cried Germanicus to his legions, "do not take prisoners; we shall only have peace by the complete destruction of the nation". The soldiers glutted themselves until night with the blood of their enemies.<sup>1</sup>

The extermination of the enemy conformed with the law of nations, according to Montesquieu.<sup>2</sup> Tacitus affirms this in relating the massacre of the inhabitants in the march of Germanicus to the Rhine during which he spared neither age nor sex, destroying the temple.<sup>3</sup> In Roman history the devastation of this nature was considered as a normal occurrence. According to Tacitus the conqueror was permitted to destroy the vanquished without pity.<sup>4</sup> There are a few exceptions to this severe treatment for the Ayrans of India respected the ancient code of Manou, the legislator of India, which prescribed that a warrior neither injure the enemy who joined his hands to ask for mercy nor the defenceless.<sup>5</sup> Considera-

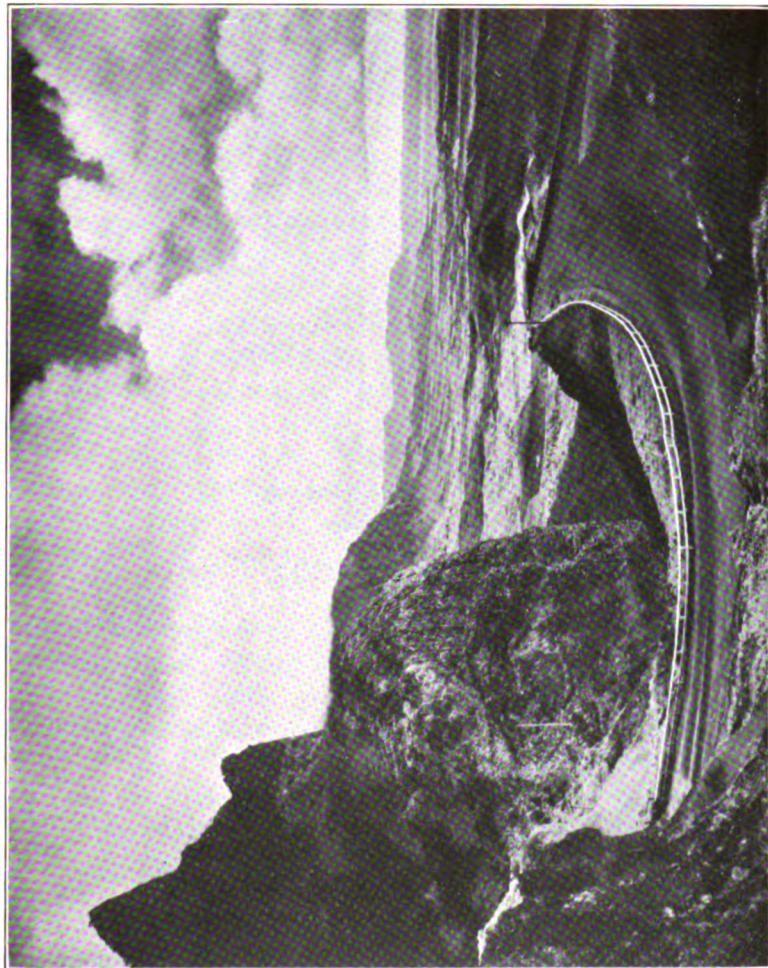
<sup>1</sup>Tacitus, *Annals*, Book II, chap. 21 du Payrat, p. 10. See also Oppenheim, vol. 2, pp. 165-168.

<sup>2</sup>Montesquieu, t. I. *Esprit des lois*, liv. XII. Chap. III.

<sup>3</sup>Tacitus, *Annals*, Book 1, chaps. 48-51, translated by Ramsey, p. 51. Mithridates ordered a massacre of Roman citizens throughout the islands and towns of Asia (B. C. 88). Not less than eighty thousand were said to have been massacred on that occasion. Tacitus, *Annals*, Book IV. chap. 13-15, translated by G. G. Ramsey, p. 275.

<sup>4</sup>Tacitus, *Agricola*, XXX, translation by M. Hutton. "Under the leadership of Boadicea no sort of barbarian cruelty was overlooked in the hour of victory and vengeance". The tribes of the Ordovices, shortly before the arrival of Agricola, had crushed all but a regiment of cavalry encamped among them. The Romans were later victorious and wherever the gory ground permitted, began a grand and gory drama of pursuit, wounds, capture \* \* \* and **butchery for the captive**. Some voluntarily charged even unarmed, and made an offering of their lives \* \* \* Night and satiety ended the pursuit".

<sup>5</sup>Bluntschli, *Revue droit intern public*, translation into French by M. C. Lardy, p. 304. du Payrat, p. 10.



THE NUUANU PALI.—It was at this spot that Kamehameha I defeated the Oahuian army and threw the survivors into the valley below.—Courtesy Infantry Journal.

tions of self interest induced the conquerors to spare their captives, placing them in a condition of servitude and thus enhancing the wealth of the conquerors.

It was a real progress in the customs of war of this epoch to make slaves of captives. Roman jurists considered them as slaves.<sup>1</sup> The captives were employed by the Romans to cultivate the soil and as servants. By selling the captives after a war, in which many thousands had been taken, large amounts of money were obtained for the captors. Caesar, during his second campaign in Gaul, sold 33,000 Belgian captives.<sup>2</sup> The custom of selling captives at auction gave birth to the custom of allowing them to pay a ransom for their liberty. Many examples are found in the ancient records. The custom of making slaves of them was accordingly slowly abandoned, and the paying a ransom increased for their liberation under the influence of christianity during the Middle Ages. Grotius, the father of international law, stated that enemies captured in war become slaves and also their descendants in perpetuity.<sup>3</sup>

## 2. Theories of the XVII Century.

Prisoners of war were sold even during the XVII century. Puffendorf declared that the conqueror might spare the life of the captives if a promise be given by them to become slaves. (*Le Droit de la Nature et des Gens*, liv. VI, Chap. III, liv., VIII, Chap. VI, du Payrat, p. 15). Vattel did not approve of selling prisoners of war, (Liv. III, Chap. VIII par. 149, 150, 152) asserting that nothing authorizes harsh treatment unless a prisoner of war renders himself personally culpable towards those in whose power he is detained. If guilty of an offense he should be punished. But one should remember that he is a man of misfortune. A great heart feels only

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<sup>1</sup>Justinian, *Institutes*, liv. 1, tit. III. 3, 4; and liv. I, tit. II. 2. du Payrat, p. 12.

<sup>2</sup>Caesar, *Commentaries*, Book II, 33; du Payrat, p. 13.

<sup>3</sup>Grotius, *Le Droit de la Guerre et la Paix*, liv. III. Chap. V.. du Payrat, p. 14.

compassion for the vanquished and disarmed enemy \* \* \* may one reduce to slavery prisoners of war? Yes, provided one has the right to kill them, that is to say when they have rendered themselves personally culpable of some offense justifying death. "But on every occasion where I cannot take innocently the life of prisoners of war, I have no right to make him a slave." (du Payrat, p. 16.) Montesquieu believed in truly humane rule compatible with civilization, and said "All the rights that war can give to captives is to assure everything to prisoners of war that must not be denied." (*Esprit des Lois*, liv. XV. chap. II). Homicides made in cold blood by soldiers and after the heat of action are contrary to all the laws of nations. But even this leaves the whole question one of *necessity* which varies according to the will of the conqueror. J. J. Rousseau maintained that war is a relation between States and that the belligerents are enemies only by accident, and that the right to kill remains in force only as long as the soldiers are armed, and until they surrender; that loss of liberty is the only measure that may be adopted towards them until they become dangerous again. When war ceases between belligerents, the liberty of the prisoners of war should be restored. (Contrat Social, T. 6, liv. I, chap. IV, duPayrat, p. 17). From the teachings of Montesquieu and Rousseau, therefore, it is seen that the customs of war, in theory at least, were considerably ameliorated. Much credit is due them for the modern conception of prisoners of war.

### 3. Treaty of 1785 between Prussia and the United States.

The German general staff gives credit to Frederick the Great and Franklin for the proper conception of prisoners of war, because they inserted in the treaty of Commerce and Friendship between the United States of America and Prussia all the new theories concerning the treatment of prisoners of war. The two contracting parties thereby pledged that they would not send prisoners

of war into distant and inclement countries, the East Indies or any parts of Asia or Africa, but that they should be placed in wholesome situations in some parts of their dominions in Europe or America; that they should not be confined in dungeons, prison ships, prisons, put in irons, or bound, or otherwise restrained in the use of their limbs. (*Treaty of Amity and Commerce between the United States and Prussia*, 1785, Article XXIV, revived by Article XII of the treaty of 1828, see Malloy, *Treaties, Conventions, etc.*, 1776-1909, Senate Documents, Vol. 48, p. 1477).

These principles had also been advocated by Montesquieu and Rousseau as already indicated. The legislative assemblies followed the influence of such philosophy and it was announced in France by a decree of May 4, 1792, that prisoners of war are under the safeguard and the protection of the nation. Yet this is the epoch of the English pontoons used as prison ships, of the mines of Siberia for places of labor for prisoners of war, and of the horrors of the Spanish wars. After this epoch we find the modern notions concerning prisoners of war.

**4. Character of captivity in modern times.** In modern times the captivity of war does not authorize punishment of a prisoner of war unless he has committed some offense justifying disciplinary measures. He has done no more than his duty in bearing arms for his country. If the conqueror has a right of reparation, it is due from the State but not from the individual provided the individuals observe the laws of war. A war of free people does not permit penal action against innocent captives.<sup>1</sup> Captivity of war subjects a captured person to a temporary loss of liberty. War offers three means of overcoming the will of an enemy; he may be killed, wounded, or deprived of his liberty. The third method concerns

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<sup>1</sup>Kant, **Principes metaphysiques du Droit**, part II, sec. II, LVII du Payrat, p. 21.

the proper conception of the captivity of war and good treatment of the captives.

### 5. Official documents showing modern conceptions.

In 1805 the United States agreed that if a war should break out with Tripoli the prisoners of war captured by either party should not be made slaves, but should be exchanged, rank for rank, and if there were a deficiency on either side, it should be made up by the payment of five hundred Spanish dollars for each captain and three hundred Spanish dollars for each seaman. It was further agreed that prisoners of war would be exchanged within twelve months after capture, and that the exchange might be made by any private individual, legally authorized by either of the parties.<sup>1</sup>

By the French ordnance of May 3, 1832, upon the service of the armies in campaign "the officers are obliged to remind the soldiers to be generous toward prisoners, and that each is to be treated with the honors due his rank."<sup>2</sup>

In 1856 the United States of America entered into an agreement with Morocco that in case of war between the parties, the prisoners of war might not be made slaves but should be exchanged, captain for captain, officer for officer, and private for private.

In 1842, Mr. Webster, secretary of State, wrote as follows: "The law of war forbids the wounding, killing, impressment into the troops of the country, or the enslaving or otherwise maltreating of *prisoners of war* unless they have been guilty of some grave crime, and from the obligation of this law no civilized State can discharge itself." (Mr. Webster, Secretary of State, to Mr. Thompson, Apr. 5, 1842, *The Works of Webster*, Vol. VI, p. 427-437.) A short time prior to this he had written as follows: "Prisoners of war are to be considered as unfortu-

<sup>1</sup>Treaty of Peace and Amity between the United States and Tripoli, concluded June 4, 1805, Article XVI, see Malloy's Treaties Conventions, etc. 1776-1909, Vol. 2 Senate Documents, Vol. 48.

<sup>2</sup>du Payrat, p. 24.

nates and not as criminals, and they are to be treated accordingly, although the question of detention or liberation is one affecting the interest of the captor alone, and therefore one with which no other government ought to interfere in any way; yet the right to detain by no means implies the right to dispose of prisoners at the pleasure of the captor. That right involves certain duties, among them that of providing the prisoners with the necessities of life and abstaining from the infliction of any punishment upon them which they may not have merited by an offense against the laws of the country since they were taken." (Mr. Webster, Sec. of State, to Mr. Ellis, Feb. 26, 1842, M. S. Inst. Mex. XV, Vol. 7, p. 218.) Neither suffering, nor dishonor, will be intentionally inflicted upon him with an intention of reprisal, nor cruel imprisonment, nor deprivation of nourishment, by mutilation, death or other barbarous treatment, (Art. 56.) The United States may not reduce any prisoner into servitude, even for the purpose of reprisal, (Art. 58.) A prisoner of war being a public enemy is a prisoner of the government, not of the person who captures him. The government alone releases the captive according to the rules prescribed by itself, (Art. 74.) One should not cause any bad treatment to be undergone intentionally by prisoners of war, nor any indignity, (Art. 75.) They should be treated with humanity and fed upon plain and wholesome foods, (Art. 76.) The European powers did not immediately follow the example of the United States at least concerning the disposition of prisoners of war. The welfare of the wounded was, however, provided for with care in the convention of Geneva of 1864, by the convention of the Red Cross organizations which is given in more detail further on in this book.

The war of 1870-71 tested most of the principles which had been generally adopted prior to that time. (du Payrat, p. 25.) The high patriotic feeling which this war caused gave to it the appearance of a war of ancient times. With its grievous episodes fresh in mind, a society was formed at Paris in 1874 for the ameliora-

tion of the lot of prisoners of war. A draft was prepared for regulations consisting of 146 articles to form a code. Using the *American Instructions*, 1863, as a basis, the Congress of Paris examined this draft on the 4th of May, 1874, the Imperial Russian government concluding an analogous draft. Russia desired to submit her draft for an examination to an international conference charged with the discussing the principles, and of preparing the details. The draft was studied by special plenipotentiaries who found thereby a basis for the regulation of international matters concerning prisoners of war. (du Payrat, p. 26-27.)

**6. Prisoners of war considered at the Congress of Brussels.** The study of the question of prisoners of war was thus the occasion, and one of the determining motives of the Congress of Brussels, declaration of which was written July 27, 1874, under the presidency of Baron Jomini, Russian delegate. Fifteen powers gave their assent as follows: Germany, Austro-Hungary, Belgium, Denmark, Spain, France, Great Britain, Greece, Italy, The Netherlands, Portugal, Russia, Sweden and Norway. The United States of America refused to participate, basing her objection upon the Monroe Doctrine. The purpose of the conference was to prescribe in a practical manner by a general agreement to conform to the necessities of war, and on the other hand, to accord with the interests of humanity and civilization. For regulations should be adopted which diminish the calamities of war and which the nations and armies can understand and carry out. Articles 23 and 25 set out the laws of war which are benevolent and moderate, and they also set forth the modern conception of a prisoner of war. Unfortunately the draft did not receive the ratification of the powers represented at the conference. But the seed was sown in good ground and bore good fruit, for public opinion was thereby influenced in a desirable manner. (du Payrat, p. 27-28.) The declaration provides that:

1. Prisoners of war are lawful and disarmed enemies.
2. They are in the power of the hostile government but not in the power of the individuals or corps which capture them.
3. They must be humanely treated.
4. Any act of insubordination justifies the adoption towards them of such measures of severity as may be necessary. (Art. 23, *Declaration of Brussels*.)

Russia, three years later, declared during the Turco-Russian war, that it would observe the rules proposed by the regulation upon prisoners of war with a modification that the captives could not, under its provisions, be the object of any insult or any vexation. (Art. 33; du Payrat, p. 29.)

7. **Institutes of international law at Oxford, 1880.** In 1880, the institute of international law prepared at Oxford a manual of the laws of war on land. These had no obligatory force, but are of interest because the laws accepted by the usages of war and to the nature of their captivity. These articles do not provide for punishment of prisoners of war because they are captives but provide solely for a temporary sequestration which is exempt from all penal character. The prisoners of war, it is announced, are in the power of the enemy government but not of the individuals who have captured them. (du Payrat, p. 29; Spaight, p. 267.)

8. **Regulations of a national character only.** Some of the other regulations were national in character only and in this class there may be mentioned the Austro-Hungarian regulations,<sup>1</sup> the Spanish field of service regulation, March 6, 1882,<sup>2</sup> the *Manual of Military Law*, 1879, published by the English war office,<sup>3</sup> the Italian

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<sup>1</sup>du Payrat, p. 30, citing **Die arme in Felde**, 1881.

<sup>2</sup>du Payrat, p. 30, citing Articles 905, 906, 907, 910, 924, du Payrat, p. 30.

<sup>3</sup>du Payrat, p. 30, citing Articles 14, 18, 20, 31.

field service regulations, March 6, 1882,<sup>1</sup> the regulations of Portugal of 1890,<sup>2</sup> the French regulations of March 21, 1893 replacing those of May 6th, 1859. The regulations of 1893 were very complete but were found inadequate during the World War and in 1917 they were amended by the regulations which were found necessary because unforeseen conditions had arisen.

**9. Hague Conference, 1899.** At the call of the Czar of Russia, Nicholas II, the representative of 26 powers of Europe, Asia and America assembled the 18th of May 1899 at The Hague. They revised and completed their program. This time it received the ratification of 24 of the high contracting parties, namely, Germany, Austro-Hungary, Belgium, Denmark, Spain, United States of America, Mexico, France, Great Britain, Greece, Italy, Japan, Luxembourg, Montenegro, Sweden, The Netherlands, Persia, Portugal, Roumania, Russia, Serbia, Siam, Sweden and Norway, Turkey, Bulgaria, Switzerland. The laws of war showed signs of progress for it was the first time an agreement of this nature was ratified by so many nations. Furthermore, the laws of war were spoken of with the greatest confidence, and it was declared that the usages designated under this name are the written law of nations. This conference was one of the most important events which marked the close of the 19th century and has been justly styled the *First Parliament of man*. (*Encyclopedia Americana*, Vol. 13, p. 617-618.)

**a. Imperfections of Hague Conference provisions, 1899.** The provisions of the convention of the Hague present some imperfections which should not cause surprise because a difference of opinion was often shown by the representatives of the strong and weak powers. The most notable of the defects was in the article which pro-

<sup>1</sup>du Payrat, p. 31, citing *Service in war*, replaced December 18, 1894, see art. 713.

<sup>2</sup>du Payrat, p. 31, citing Articles 1092-1093, 1098, 1106.

vided that the contracting parties should give to their armies instructions that would conform to the rules adopted at the conference which concerned the laws and customs of war, and which were annexed to that agreement. These rules were not inserted in the signed text. As a result, the instructions issued by the various powers do not respect the integrity of the rules, but merely establish for their troops instructions which are somewhat analogous to the rules contemplated by the Hague Conference. Such latitude in the preparation of the agreement was not prudent. Mr. Renault states that it was, however, desired to give the committee in charge of the preparation of the final Act, power to provide for certain unforeseen possibilities, (du Payrat, p. 35). It was important to avoid at all cost the happenings at Brussels in 1874 which resulted in a conference announcing only a platonic declaration. Some had fears of a disagreement which would reduce to nothingness all the efforts of the diplomats, and that they would adjourn *sine die*, leaving the regulations supported only by public opinion. Also, something of greater importance was not foreseen by the Conference of the Hague, in that no exact time was fixed to put in execution the agreement of the signatory powers. France was the first nation to fulfil its engagement and did so by the decree of November 28th, 1900. By virtue of the decree published by the French minister of war July 16th, 1901, the rules concerning the laws and customs of war on land, annexed to the agreement of The Hague of 1899, were put in effect in the French army. The Russian government, to which credit is due for the calling of the Conference at The Hague, 1899, waited until the Russo-Japanese war in 1904. (du Payrat, p. 36.)

**10. Japanese rules of 1904, 1905.** In 1904 Japan adopted certain rules for the bureau of information. The Japanese decree of February 2nd, 1905 made rules for the punishment to be inflicted. These copious rules present for captives guarantees similar to the guarantees

of respect and good treatment of the Conference of The Hague, 1899. The enforcement of the Japanese rules was assured by providing for legal counsellors, jurists, diplomats, and professors of law within the theatre of war and the attachment of such persons to the staff of the proper military commanders. Such persons should always be consulted when an embarrassing controversy concerning international law arises. To assure cordial relations between the usual staff officers of the army and such legal counsellors, the Japanese government created, in the higher schools of the army and navy, chairs of international law to inculcate into the armies the principles of law to which the soldiers of the mikado should conform. The Japanese thus manifested a desire to precede other nations on the road to civilization. (du Payrat, p. 38).

**11. Protest of the United States to Great Britain in 1900.** With reference to a report that a number of prisoners of war captured by the British troops in South Africa had been deported to Ceylon, and that among them were twenty men claiming American citizenship, the department of State of the United States instructed the American ambassador to England to inquire into the truth of the statement. The instructions included the following, "If it be confirmed, the government of the United States could not view without concern the risk of life and health involved in sending any unacclimated American citizens, taken under the circumstances described, to so notoriously insalubrious a place as the island of Ceylon. The principles of public law which exclude all rigor or severity in the treatment of prisoners of war beyond what may be needful to their safety imply their nonsubjection to avoidable danger from any cause. These admitted principles have found conventional expression in the treaties of 1785 and 1799 between the United States and Prussia, and the enlightened practice therein specified to be followed with respect to the custody of prisoners of war is believed to represent the gen-

eral view of modern nations, as it certainly does the sentiment of humanity and the law of nature on which it claims to rest. If it prove true that citizens of the United States, captured while temporarily serving in the armies of the South African Republic and the Orange Free State, have, in fact, been transported to distant and noxious places you will represent the expectation of this government that they may be at once removed to some healthful station, if indeed the situation at this time shall not permit their discharge freely or on parole." (Department of State, Washington, D. C., October 16, 1900, No. 468.)

At the second conference of the Hague, England was accused of failure to observe the laws of war during the campaign in South Africa. But England alleged that her adversaries, the Boers, were insurgents and revolutionists, rather than belligerents. The British war office then affirmed its adherence to the principles adopted at the Hague by having a chapter of the *Manual of Military Law* changed. That chapter contained the *Convention of Geneva* and the *Declaration of Paris* which prohibited explosive projectiles weighing less than 500 grammes and also the text of the regulations of the Hague concerning the laws of war upon land. (du Payrat, p. 39, 38). Such action by England was evidence of her good faith to conform to this regulation.

**12. Different views concerning rules of the Hague Conference.** Switzerland had never wished to admit certain principles of the regulations of the Hague Conferences of 1899, relative to the *levee en masse*. She declared, however, in an annex to the field service regulations of March 31st, 1904, "That the rules of law established at The Hague are obligatory for the Swiss army." (Page 264) (du Payrat, p. 39).

Italy, Spain, Portugal, and the United States were ahead, as has been already stated, of the Conference of the Hague with respect to prisoners of war. Germany published regulations on this subject in 1901. In 1902

there appeared the German *Kriegsbrauch im landkriege*, by the German general staff, Germany admitting the modern conception of a prisoner of war but the tenor of those regulations indicate that humanitarianism as conceived by many modern civilized nations is a weakness rather than a virtue. This view is explained more fully hereinafter under German "Frightfulness" (see Chapter IV.) In like manner the Austro-Hungarian government introduced in its field service regulations of 1901, rules relative to the convention of Geneva, (Articles 209, 210; du Payrat, p. 40). In 1914 the United States of America adopted regulations embodying the humane doctrines previously announced by it. (*Rules of Land warfare*, 1914.)

**13. Agreement of United States and Germany at close of World War.** A very comprehensive review of the modern conception of the *treatment* that should be accorded prisoners of war is contained in the agreement between the United States of America and Germany concerning prisoners of war, sanitary personnel and civil prisoners. That agreement was signed at Berne, Switzerland, November 11, 1918, the day of the armistice. Many of the provisions had already been put into effect for the American troops by general orders of the American Expeditionary forces. The agreement was not ratified but its provisions have been substantially followed by the United States of America in the adjustment of questions concerning prisoners of war of the World War.

**14. Recent efforts of United States to improve regulations.** After the World War the United States of America began the revision of its "rules of land warfare" in order that all the changes which that war proved to be advisable might be made. The *Lieber* code will most likely be the basis of the revision adding such provisions as experience has shown to be prudent.



## CHAPTER II

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A. **Lack of any distinction in antiquity.** The wars of antiquity offer spectacles of countries practically depopulated by conquerors. Women, children, and warriors were mingled together in this cruel exodus which

applied alike to the combatants and to those who never took up arms, or assisted in warlike measures. In an epoch of manual labor these captives were valuable to perform the arduous tasks assigned them. Such was the fate of the Hebrews taken from Palestine. The Romans ravished their neighbors, the Sabines, and took their women as companions. During the barbaric invasions of the middle ages captives were taken without any distinction as to the individuals who participated in the hostilities.

**B. Composition of the national forces in various countries.** It is now universally admitted that such violence as above described may not be used against an entire population. Persons who may now be taken in a campaign are the military persons and those who assist them in some material way. Who should be subject to capture because of having been entrusted with arms by the State to protect their country in any way? In the first place, the individuals composing the national forces, foreign troops in the service of and paid by the State, and auxiliary corps of the army, trains, equipage, telegraphists, railroad engineers, bridge builders, agents of the administrative service and attendants, clothing, transportation, pay, military justice, police, and the inhabitants forming a part of the *lereve en masse*. With the improvement of modern armaments and obligatory service required by many nations the category which we shall examine will include nearly all the men capable of bearing arms in a country. In France, there are left for the firesides, the women and children, the aged of more than 45 years or those whose infirmities do not permit the bearing of arms or the trials of a campaign; nevertheless the latter are required to do such duties as they can perform. (du Payrat, pp. 45-47).

**1. Rules of the Hague Conference.** At the conference of The Hague the following rules were agreed upon.

Article 1.—The laws, rights, and duties of war apply

not only to the army but also to the militant volunteers corps fulfilling the following conditions:

- a. To be commanded by a person responsible for his subordinates.
- b. To have a fixed and distinctive emblem recognizable at a distance.
- c. To carry arms openly, and
- d. To conduct their operations in accordance with the laws and customs of war.

Article 2.—The inhabitants of a territory which has not been occupied who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and respect the laws and customs of war.

Article 3.—The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war. The absence of one of these conditions renders the individuals who commit acts of violence upon the enemy punishable by a court-martial. They are no longer belligerents but criminals. Article 2 described the men comprising the *levée en masse* as an exception which we shall consider later as well as irregular forces.

2. **Special troops of various countries.** Many States include the troops recruited among the colonial possessions in their national armies. This is the case with France, Holland, Portugal, and England. If the soldiers forming these organizations be captured they should be treated as prisoners of war. (du Payrat, p. 49, 50).

The national forces in time of peace theoretically include all the ablebodied citizens. In France, the army when mobilized, is reinforced by the reserves of the active army, and the territorial army. In Germany and

Austria the army includes the landwehr and the landsturm. Italy has a permanent army, a mobile militia, and a territorial militia. The Russian army was formerly composed of permanent active troops, permanent reserve troops, and militia formed from the male population to the age of forty years. Military personnel in Sweden consists of the bervaring and the landsturm, and the service terminates at the age of 32 years. The Norwegians are not free from military service until 50 years of age, and are divided into troops of the line called the landsturm, and landwarin (du Payrat, pp. 48-49). England taking advantage of the lessons learned during the Boer war has since given more attention to military matters. In the United States the law provides that the army shall consist of three elements, the regular army constituting one-sixth of its total strength, the national guard two-sixths, and the organized reserve three-sixths. It has been divided into nine corps areas, which have approximately equal population, preserving the integrity of State boundaries. To each of these has been allotted an equal part of the army of the United States. If war occurs this organization offers an excellent system for rapid expansion, estimated to include about 4,500,000 men. The principal source of supply of trained officers is the *United States military academy*, the schools which have organizations of the *Reserve Officers Training Corps*, and the *Civilian Military Training Camps*. They must observe the laws of war and the customs of civilized warfare.

a. **Civilization and not color true test.** The lack of civilization and not the color of captives is the true test as to whether they should be treated as prisoners of war. The *American instructions*, 1863, provided that no belligerent has the right to declare that its enemies of a certain class, color, or condition, organized into military units, will not be treated as public enemies, (Art. 57). International law does not admit any distinction on account of color, (Art. 58). The rules of The Hague con-

tain no provision pertaining thereto, but the presence at the conference of the representatives of such powers as China, Japan, Persia, and Siam, which countries have troops of the mongolian, ethiopian, caucasian, and a mixture of races, permits us to infer that color alone does not justify any diserimination. During the World War the troops of different races, and different colors, fought in the same battles. More than one million oriental troops were taken to Europe during that war, many of whom were blacks, and the United States had many negro soldiers also. Much friction was caused by these troops with other races (*World's Work*, June 1922, pp. 140-141 and *The Sun*, Baltimore, Md., June 12, 1922).

b. **Mercenary troops.** Formerly mercenary troops who sold their services to the highest bidder were not unknown. The electors of Hesse, Germany, hired the Hessians to England for the purpose of fighting against the American colonists. Some of them were captured and treated as prisoners of war, and some remained in Virginia as settlers after the war. The practice of hiring troops of a foreign country has been continued to some extent. In France the *Foreign Legion* is composed of such troops. This organization was created in 1831 to replace the foreign regiments, and was stationed, at first, in Algeria, and took part in the Mexican expeditions; later at Tonkin, Sandau, Madagascar, and Morocco, and was subject to the same rules as the national troops of France. The individuals, therefore, who composed the organization are entitled to the treatment of national troops, and when captured become prisoners of war.<sup>1</sup> Servia, and Montenegro accepted, on the other hand, in 1876, the employment of a certain number of Russian volunteers. The *Foreign Legion* of Greece rendered distinguished services during the Greco-Turkish war by its discipline and bravery. The Sultan Abdul-Hamid hired German officers to aid the high Turkish

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<sup>1</sup>du Payrat, p. 53.

command. In the war of the Transvaal the English did not, as a rule, hesitate to treat as regular adversaries the foreigners who fought with the Boers.<sup>1</sup> From the examples cited it will be observed that foreigners paid by a belligerent State who fulfil the conditions of article 1 of the rules of the Hague, merit the respect of prisoners of war, unless certain of them have deserted their own country and are captured while fighting against it.<sup>2</sup>

c. **Auxiliary services.** Modern armies are followed during hostilities by numerous auxiliaries who take an active part within the theatre of operations by supplying rations and munitions. They include troops of the quartermaster corps, and provost marshal's department. Although such personnel bears the name of noncombatants, the enemy has the right to take them prisoners of war because they assist the hostile combatants. (Hague Rules 3). The convention of Geneva accords a particular immunity to the auxiliaries of the sanitary service. There is also an exception in the case of persons in charge of hospitals, monuments, museums, the dwellings of neutral diplomatic agents, and such like. The men employed in this service are taken preferably from the military service.<sup>3</sup> They are inviolable if the hostile army retakes possession of the region where a *safeguard* has been placed, and should not be taken prisoners of war as long as they are needed to fulfil their mission, and they should be given every facility to rejoin their national army. "These soldiers are sacred," said Vattel. "They must not be treated in a hostile manner, for they are benefactors, and should be respected for the general welfare."<sup>4</sup> Another writer declares the safeguards are in-

<sup>1</sup>du Payrat, p. 53-56.

<sup>2</sup>For general information concerning combatants and noncombatants and treatment of them if captured, see Baker and Crocker, *The Laws of Land Welfare*, pp. 1-34, and the authorities there cited.

<sup>3</sup>du Payrat, 62 citing French regulations, art. 237.

<sup>4</sup>Vattel, *Droit des gens*, t. II, liv. III, chap. IX, 171.

violable and that the enemy should respect and return them safely.<sup>1</sup>

d. **Levee en masse.** After an important military disaster if a country has failed to provide for adequate defense in time of peace, there is left only the desperate resources of resisting the invasion of the conqueror by a *levee en masse*. To protect their country all the citizens of the invaded country may take up arms spontaneously. The Prussians resorted to it in 1813. Although they had neither a uniform nor anything to designate them as regular troops,<sup>2</sup> the landsturm responded to the call to arms. In the strict sense of the word, the *levee en masse* includes the entire population,—even the old men, women and children. But the conference of The Hague restricted the broad meaning so that thereunder the rights of belligerents are assured only when persons composing the *levee en masse* respect the laws and customs of war and *carry arms openly*. The condition of carrying arms openly was added at the Hague Conference, 1907. The strong powers have been very anxious to make agreements with the small States concerning this principle for the latter consider it very important for their welfare. Small states like Switzerland cannot afford to maintain large standing armies, and as we might expect, at the conference of Brussels, 1874, the small countries urged very strongly, and Lawrence in his principles of International Law says these contended "almost passionately," that this principle be agreed upon by the conference. And even some of the more powerful nations like England, Turkey and Spain took the view of the weaker nations.<sup>3</sup>

Baron Lambermont, delegate of Belgium, declared that the defense of a country in this manner is not only

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<sup>1</sup>G. F de Martens, **Precis du droit des gens moderne de l'Europe**, liv. VIII. chap. V, 292; du Payrat, p. 63.

<sup>2</sup>du Payrat, p. 63; also Calvo, **Droit international theor. et prat.**, t. II, liv. IV, p. 118-119.

<sup>3</sup>du Payrat, p. 65, citing **Actes de la conference de Bruxelles de 1874 du 14 aout.**

a right but a duty.<sup>1</sup> The representatives of Portugal, Turkey, England and Sweden supported this view, but General Voigts-Rhetz, German delegate, objected to the *levee en masse* without restriction. In 1889, at the conference of The Hague, the same discussion arose, and the representatives of the large and small states took opposite views, but England's delegate, General Sir John Ardagh, agreed with the delegates of the small states on account of the geographical location of Great Britain, and proposed to add to the articles an express disposition authorizing this right of the *levee en masse* for inhabitants of the occupied countries. His motion was supported by Colonel Kunzli of Switzerland, but the motion was lost. The Russian delegate Martens proposed that it be set out in the preamble of the agreement that in cases not covered by the dispositions regularly adopted, the belligerents should remain under the safeguard and domain of international law as shown by the established usages of civilized nations, the laws of humanity, and the exigencies of public opinion. Article 2 of the rules of The Hague recognizes as belligerents the inhabitants who have taken up arms of a territory not occupied by the enemy. Some authors take the opposite view,<sup>2</sup> but the *American instructions*, 1863, provide that such persons are entitled to the treatment of prisoners of war if captured (art. 86). The French Manual of International Law for the use of French officers accords the character of a belligerent only to the *levee en masse* in territory not occupied. The Germans, citing Luder for authority, declare that a military organization is required but what constitutes such an organization has been a disputed matter.<sup>3</sup> During the South African War the British authorities refused to treat snipers or persons who carried on hostilities without belonging to any command as proper combatants. Such persons were order-

<sup>1</sup>du Payrat, p. 67, citing *Actes de la conference de Bruxelles, seance du 18 aout 1874.*

<sup>2</sup>du Payrat, p. 67, citing Pillet *Lois actuelles de la guerre*, p. 458.

<sup>3</sup>du Payrat, p. 67.

ed to desist from sniping or go to a regular commando. For failure to do one of these things the British burnt down their farmhouses, and, if captured, imprisoned or deported them. Such warfare is illegitimate. If persons acting independently could produce some authority to show to what command they appertain, that is, if they are sent out on a special mission in behalf of a *levée en masse*, they would have belligerent rights.<sup>1</sup> Ariga relates that during the Russo-Japanese war the Japanese took advantage of Article II of the Hague Rules to organize a levy at Nion-tsia-toun, a town in the *rear* of the Japanese army of Manchuria, against which General Mistcheke made a raid in February 1905, through neutral territory. The individuals mustered to defend the town wore no distinctive sign and carried only pistols which could not be considered arms "carried openly." That was before the Hague Conference of 1907, at which it was added that arms must be carried openly. This case is instructive to show massed citizens may defend in *rear* of an invading army.<sup>2</sup>

(1.) **Within limited area.** If the rising *en masse* takes place in a limited area it may be extremely difficult to determine whether the defenders are to be considered a *levée en masse* or otherwise. This difficulty arose during the Japanese invasion of Sakhalin in 1905. The town of Vladimirowka was defended by some Russian convicts. If they claimed to be an irregular band, they were leaderless and without badges. If they claimed to be a popular levy resisting invasion by a spontaneous impulse, they were not inhabitants, nor did they observe the laws and customs of war. Their captors were not certain in what capacity to regard them but tried them by court-martial and shot them.

In other circumstances it might be even more difficult to decide whether the captives should be regarded

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<sup>1</sup>Baker and Crocker, p. 28; Spaight pp. 52, 53.

<sup>2</sup>Baker and Crocker, p. 28; citing Spaight, p. 59; Ariga pp. 82, 84.

as members of a band or members of a levy *en masse*.<sup>1</sup> The *German War Book* recognizes the principle of a *levee en masse* but also indicates a fear that it will result in protecting irregulars, and bring about individual combat like the horrible incidents of Bazeilles during the Franco-Prussian War (*German War Book*, p. 81.)

(a) **Invasion.** The regulations of the Hague stipulates that the territory shall be that which is not already occupied by the enemy. At just what moment *invasion* ends and *occupation* begins, like many legal questions, presents a difficult problem to solve in actual practice. The case above cited of the Japanese who went in the rear of the invading enemy approaches an uprising in occupied territory but was not so considered. The troops had evidently not taken general control of local affairs. Oppenheim states, by way of illustration, that if a town has already been invaded the inhabitants of that town may form a *levee en masse* but that inhabitants of a neighboring town which the invasion has not reached may arise *en masse*.<sup>2</sup> This seems like a proper application of the rule. After arising in the town free from invasion they might, it seems, like the Japanese above referred to, march to the *rear* of the enemy even in the invaded territory and attack.

(b) **Occupied territory.** Oppenheim in *Land War*, p. 21, art. 31, indicates that the word territory in this relation refers to any *part* of it which is not already invaded and not the whole extent of the belligerent state.

(I) **War rebellion.** After a territory is occupied and the inhabitants brought under control of the invading army, the rising *en masse* of the people is not sanctioned by International Law but is considered an offense known

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<sup>1</sup>Baker and Crocker, p. 28, 30; Lawrence 515, 516.

<sup>2</sup>Baker and Crocker, p. 28, 29; Oppenheim, Vol. 2, p. 97, Lieber, Art. 52; U. S. Manual p. 23.

as *War Rebellion*.<sup>1</sup> The Regulations of The Hague (articles 1 and 2) are as liberal as belligerents can safely go.

(II) **Courts.** Before the execution of any captives for uprisings they should be brought before courts having jurisdiction to hear and determine the merits of every captive. Summary executions are no longer contemplated under the laws of war. The duty of officers taking captives is to hold them<sup>2</sup> and leave the question of determining whether they are entitled to be treated as prisoners of war to the determination of competent authority.

e. **Irregular Forces.** The forces irregularly formed will be considered first such as the belligerents authorize; secondly those who act on their own initiative or their own account and without authorization. International Law formerly recognized only members of authorized irregular forces, whereas members of unauthorized irregular forces of belligerents were considered to be war criminals and would be shot when captured. During the Franco-Prussian War in 1870, the Germans acted throughout according to this rule with regard to the so-called Franctireurs, requesting from every irregular combatant they captured a special authorization from the French government. If such authority could not be produced the captive was shot. Art. 1 of the Hague Regulations does not support such a practice.

The four conditions of article 1 of the Hague Regulations pertain to the second type of irregular troops and these four conditions will now be considered.

(1) **Under persons responsible for their subordinates.** The first "to be commanded by a person responsible for his subordinates" is satisfied if they be commanded by a

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<sup>1</sup>Baker and Crocker, p. 28, 29; Oppenheim, Vol. 2, p. 97; Lieber, Art. 52; U. S. Manual, p. 23.

<sup>2</sup>U. S. Manual, p. 23.

regularly or temporarily commissioned officer, or a person of position and authority, or if officers, non-commissioned officers and men are furnished with certificates or badges granted by the government of the state, that will distinguish them from persons acting on their own responsibility.

(2) **Distinctive signs.**

(a) **History of uniforms.** The requirements of article 1 pertaining to a distinctive sign will now be considered studying first the history of the uniform. When a person belonging to a belligerent is sent out alone the individual appearance should indicate the warlike purposes to such a degree that the enemy may know such person is a belligerent and adversary. Article 1 of the rules of the Hague provides that individuals must have a distinctive sign which is fixed and recognizable at a distance. The custom of dressing in a special manner has been followed by the soldiers of all countries. Savages ornamented themselves with paint and tatooing. The Gauls, the Germans and the Franks, before engaging in battle, covered themselves with skins of beasts, and made helmets with the heads of wild animals without removing the horns and teeth. Iron protection was introduced making other signs necessary. The Greek soldiers used clothing of a scarlet color, for it was the same color as the blood from their wounds. The Romans introduced a certain uniformity in their armament, and gave to certain troops a particular type of helmet. The nations of the middle ages imitated the Romans and used brilliant armor. The crusaders sewed upon their clothing a cross of silk, sign of their enrollment under the banner of Christ. When the permanent armies arrived in France Charles VII ordered that each soldier carry the sign of the livery of his captain. Later the regiments carried the colors of their colonel, or distinctive cravats as was the case at the battle of Steinkirk. Louvios for the first time had a uniform established for all

the French armies.<sup>1</sup> Other powers followed this example. In the United States the uniform has undergone many changes. The frontiersmen such as Daniel Boone who fought the Indians wore the plain clothes of the frontier. The soldiers of the confederacy during the American Civil War wore, at times, scanty uniforms, as uniforms were considered at that time. They were fortunate to obtain food. The federal authorities did not, however, hold them to a strict account for failure to appear in the complete regulation gray of the confederate armies. Considerable dispute arose about Col. Mosby and his men but Mosby wore a uniform and was duly commissioned by the Confederate States.<sup>2</sup> From the splendor of the uniforms of the eighteenth century the uniforms have been changed to one that is plain and useful. An effort has been made to blend the color thereof with the color of the surroundings to make the wearers of it less conspicuous. During the World War when snow was on the ground patrols would wear an improvised uniform of white cloth over the regular uniform. The tendency has been to make the uniforms of various nations more nearly the same color, for opposing armies find the color of the surroundings the same. It was desired, at the conference of the Hague, to avoid too great similarity by providing that a distinctive sign recognizable at a distance be worn. Soldiers should not be dressed so as to enable them to fire upon an adversary and immediately dispose of their arms, insignia, and military clothing and thereafter appear as peaceable persons. The distance at which the sign must be distinguishable is vague and undetermined. The Japanese government would not recognize belligerents of the Russian free corps unless distinguished by the naked eye of ordinary people or the conditions for militia by the regulations of the Hague.

Encounters now take place at long ranges so that

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<sup>1</sup>For general information in condensed form see Baker and Coker *Laws of land warfare*, pp. 26-34, du Payrat, pp. 68-70.

<sup>2</sup>Mosby's *Memoirs*.

the demand of the German authorities in 1870 that the distinctive sign be distinguished at a distance of long range rifle fire (2000 yards) was unreasonable. Something worn on the clothing and attached thereto so that it cannot be removed readily should be used in addition to a helmet, slouch hat, or forage cap.<sup>1</sup> At the Hague conference Norway and Sweden pointed out that the Landsturm did not wear full uniform. In 1907 Germany proposed that the distinctive sign should be notified but the proposal was rejected in committee. At the commencement of the Russo-Japanese war, the Russian government sent a note to Japan stating that the Russians had approved the forming of a few corps to wear no uniforms but only a distinctive sign on the cap or sleeve. Japan replied that such troops to be considered as belligerents must be distinguishable by the naked eye from the ordinary people or fulfil the requirements for militia or volunteers by the Hague Regulations. (U. S. Manual, p. 22).

At Ping-Yang Japanese civilians wore a white helmet and European clothes with a flower embroidered in red thread on their coats. At the Hague Conference delegates of Norway and Sweden pointed out that the Norwegian Landsturm did not wear a full uniform. Germany proposed at the Hague Conference of 1907 that notification of a distinctive emblem should be provided but the proposal was defeated in committee. At Saghalien, the Russians wore no uniform, but had a cross with letters M. P. (Manchurian Regiment) on their caps, and on their sleeves a red band about two-thirds of an inch broad, with a red edge on the overcoats. Some were executed for a violation of the laws of war, but Ariga was of the opinion that they failed to wear the above described insignia.

(3) **Carrying arms openly.** This condition is to prevent the use of arms for active opposition and then to

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<sup>1</sup>Spaight, p. 57; Hall, p. 523; Ariga, pp. 82, 85, 86; Oppenheim, *Land Warfare*, 19-20.

discard or conceal them on the approach of the enemy. Hence the carrying of concealed weapons such as pistols, daggers, swords, sticks and other similar weapons does not fulfil the requirement. (U. S. Manual, p. 22).

(4) **Complying with laws of war.** Such troops must be instructed in and required to conform to the laws of war. They should especially be trained concerning certain essentials such as the use of treachery, maltreatment of prisoners, the wounded and dead, violations of or improper conduct toward flags of truce, pillage, unnecessary violence, and destruction of property. (U. S. Manual, p. 22).

(5) **Barbarians.** The use of barbarism in the wars of Christian nations with one another has not been absolutely condemned by the law of nations. France employed the American Indians against the English in America, and the Turcos, a force made up of Algerians, Kabyles, and Negroes in Italy.<sup>1</sup> England used savages against the American colonies in the Revolutionary war, in spite of the protest of Washington and the rebukes of Lord Chatham. Washington in a letter dated New York, 15 July, 1776, sent a letter to Major-General Schuyler for General Burgoyne in which he called attention to the spirited measures of Congress which had just considered the affair of the *Cedars* where several American captives were killed and others plundered after capitulation, and where the British officer in command had used very unjustifiable means to procure hostages for ratifying a treaty of exchange, by affirming that all the prisoners of war in his hands would be murdered unless they were granted such terms as he dictated. His apology was that he did not have the power to control the savages. Congress and the public generally deemed this a mere pretence, and regarded the act with great indignation. Congress published a detailed report

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<sup>1</sup>Woolsey, p. 12.

threatening the severest retaliation, if similar acts were repeated.<sup>1</sup>

(6) **Guerrillas.** Guerrilla war and guerrilla tactics employed during a war are separate and distinct. If small bodies *employed by the nation* (Halleck, *Int. Law and Laws of War*, 386, 387) are sent during a war under commanders responsible for their subordinates in proper uniforms to the rear of the enemy to destroy bridges and railways, attack convoys, capture despatches or supplies, this is permitted by the laws of war. The forces under Marion and Sumpter in the American Revolution were treated as belligerents by Lord Rawdon and Lord Cornwallis who were in successive command of the British forces in South Carolina; by Napoleon to the German independent volunteers in the Napoleonic campaigns, and by the Austrians to the forces of Garibaldi.<sup>2</sup> According to the ancient rules of International Law, individuals not taking part regularly in the armed contention who took up arms could be treated as criminals but persons may be taken captives now if they fulfil the four requirements of Art. 1, Regulations, Hague Conferences.<sup>3</sup>

(7) **Inhabitants of fortified towns.** J. S. Ripley, in *The Law of War* (1897), p. 117, states that "the inhabitants of fortified towns are so closely associated with the garrison that they are considered to have lost their non-combatant character."<sup>4</sup>

During a regular siege of a fortified town there may be many of the inhabitants who assist in its defense who do not wear uniforms or appear as soldiers. A magnan-

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<sup>1</sup>Sparks, **Writings of Washington**, Vol. 4, p. 12, citing Journals of Congress, July 10th, 1776.

<sup>2</sup>Baker & Crocker, p. 12; Lawrence's Wheaton's **ELEM. OF INT. LAW**, 627 pt. IV. Chap. II, Sec. 8; Davis, Wheaton, sec. 356, Bluntschli, **Droit. Int. Codifie**, sec. 659.

<sup>3</sup>Woolsey, p. 213, Predatory bands without authority from any government are regarded as outlaws and may be punished by a belligerent as robbers and murderers. Halleck's **International Law & Laws of War**, 386, Lieber sec. IV, Oppenheim, Vol. 2, pp. 70-72.

<sup>4</sup>Baker & Crocker, p. 15, citing Spaight, p. 47 note.

imous commander who forces a surrender does not usually punish these civilians but permits the general capitulation for the town to serve for the civilians also. At the siege of Port Arthur Ariga states that "We captured many workmen who participated in the defense of the forts and we did not shoot them." At Kars the white-turbaned civilians helped the Turkish troops under Colonel Williams, the English commandant, and 101 of these townspeople fell in battle 29th September 1855. But Williams granted the civilians full protection. In the heroic defense of Plevna by Osman in 1877, the inhabitants of the town and district were armed and fought in the trenches without incurring any punishment from the Russian Commander after Osman's capitulation.<sup>1</sup>

(8) **Individuals in private capacity.** Individuals who undertake to wage a war in their private capacity are not entitled to the treatment of prisoners of war. The enemy may punish them when captured as war criminals. The safety of the troops compels the enemy to punish such hostilities as acts of illegitimate warfare, and international law gives the right to do so. Nations do not prohibit its citizens from such acts, however, for they may be most helpful to it just as spying is helpful.<sup>2</sup>

(9) **Citizens of a nation in service of the enemy.** If the citizens of a country are captured while serving the enemy's army, they may be executed.<sup>3</sup> This may occur on account of the strict laws of a nation pertaining to citizenship like some European countries before the World War. For example, Germany did not allow her subjects to obtain citizenship in other countries without obtaining a release from Germany. If her subjects came to the United States and enlisted in the war against Germany and were captured they were in danger of execution. One soldier in the author's organization explained that he was afraid if he were captured by Germany he

<sup>1</sup>Baker & Crocker, p. 15, citing Spaight, p. 46; Arigo, p. 90.

<sup>2</sup>Baker and Crocker, p. 18, citing Lawrence, p. 509.

<sup>3</sup>U. S. Manual, p. 23; **American Instructions**, 1863, art. 52.

would be shot. He was transferred to a part of the service where there was no likelihood of capture. This should be done in such cases wherever it can be done without serious inconvenience.

### 3. Persons in the maritime service.

a. **Surrender of crew and ship.** Although the personnel of the naval forces should be considered as a part of the armed forces and subject to capture like the persons serving in the armies there are some complications. The surrender of the crew is complicated with that of the ship for she is manned by the crew and when the ship surrenders the crew must also surrender. Therefore, although the crew may not run the ship after the surrender is made, if it be not accepted within a reasonable time, or if circumstances make it impracticable to accept, the offer may be withdrawn. The crew are not bound to sink the ship,—they are not required to drown because the flag is struck. They must save themselves in any way possible, and then they do not become captives unless actually taken under the control of the enemy. For example, when Admiral Gantcaume was picked up by the French boat after the *L'Orient* exploded, and when Captain Semmes escaped to the British pleasure yacht, after the *Alabama* sank, they were both free men. Mr. Seward's contention in the latter case that it was right of the *Kearsarge* to claim the advantage that would have resulted from the lawful destruction of the crew of the *Alabama*, Lord Russell promptly and justly rejected.<sup>1</sup>

At the battle of the Nile, when fire was seen on the *L'Orient*, the British directed their aim at the fire and thus prevented its extinguishment. However, when the destruction became inevitable Nelson, who was suffering severely from a wound in the forehead, demanded to be led to the deck of his ship and ordered that the only boat still in condition for use be sent to help save the unfortunate crew.<sup>2</sup>

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<sup>1</sup>Semmes, *Memoirs of Service afloat*, p. 766.

<sup>2</sup>Mahan, *The Life of Nelson*, Vol. I, p. 354.

During the battle of Santiago, when the *Viscaya* was on fire all over, and ran up the white flag, the U. S. battleship *Iowa* not only refrained from finishing her attack but lowered her boats and saved hundreds of the crew. When Phillips of the *Texas* in the same battle kept his men from cheering because as he said, "The poor devils are dying," he expressed the true spirit of modern international law which regards a disabled opponent as a fellowman in distress to be helped, not injured.<sup>1</sup>

b. **Armed forces.** The general practice is that in case of capture, the personnel of the armed forces or armed vessels of the enemy, whether combatants or non-combatants, are entitled to receive the humane treatment due to prisoners of war.

c. **Unarmed vessels and merchant ships.** The personnel of all public unarmed vessels of the enemy, either owned or in the service as auxiliaries and of merchant vessels who in self-defense and in protection of the vessel placed in their charge resist an attack are entitled if captured to the status of prisoners of war. The personnel of a merchant vessel of an enemy captured as prize may be held, at the discretion of the captor, as witnesses, or as prisoners of war, when, by training or enrollment, they are immediately available for the naval service of the enemy, or they may be released from detention or confinement. They are entitled to their personal effects and to such individual property, not contraband of war, as is not held as part of the vessel, its equipment, or cargo contained therein. All passengers not in the service of the enemy and all women and children aboard such vessels should be released and landed at a convenient port at the first opportunity.

d. **Hague convention 1907.** The treatment of officers and crews of captured merchant vessels has steadily become less severe *in theory* until the rule has been adopt-

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<sup>1</sup>Hall, **International Law, Prisoners of war.**

ed that they will not be made prisoners of war if they engage not to enter upon any service connected with the hostilities during the war. The Hague convention (1907), relative to certain restrictions on the exercise of the right of capture in Maritime War, c. 3, 2 Malloy's *Treaties, between the United States and other powers*, 2348, provides that:

Art. V. When an enemy merchant ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war. The same rule applies in the case of the captain and officers, likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.

Art. VI. The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing not to undertake, while hostilities last, any service connected with the operations of the war.

Art. VII. The names of prisoners of war retaining their liberty under the conditions laid down in article 5, paragraph 2, and in article 6, are communicated by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

Art. VIII. The provisions of the three preceding articles do not apply to ships taking part in the hostilities.

#### e. Conflict of opinions.

(1) **Claim of Germans concerning submarine blockade during the World War.** These principles were rejected by Germany during the World War thereby causing a bitter controversy concerning the use of submarines for purposes of blockade. The case of the U 33 is given to show the progress of the dispute.

At the beginning of February, 1915, the German government first announced a blockade in official decree

declaring the waters around Great Britain and Ireland, including the whole of the English Channel a "war region", and that "on and after February 18th, every enemy merchant vessel found in this 'war region' will be destroyed without its always being possible to warn the crew or passengers of the dangers threatening."

On March 2, 1915, Capt. Fryatt commanding the merchant vessel *Brussels* on its way from Parkeston Quay to Rotterdam, England, sighted a German under-sea vessel with two masts which steered toward his ship. He made all speed possible and reached Dutch waters safely, and was awarded a gold medal by the directors of the Great Eastern Railway company which employed him.

On March 28, 1915, a German submarine sank the *Falaba* although she stopped when ordered by the German submarine. She was torpedoed while non-combatants were still on board. One hundred and four men lost their lives. On this same day Captain Fryatt met the German submarine the *U 33* in the North Sea. The *U 33* signalled him but he realized that the crew of the *U 33* was greater than that of his vessel and that no assurance of the sparing of the lives of the crew could be expected from the previous conduct of these submarines, and accordingly steered toward the *U 33* to force her to dive or ram her. Captain Fryatt was awarded a gold watch by the British admiralty for this action for Germany had already sunk without warning twenty-two British merchant ships.

Captain Fryatt again encountered an enemy flotilla of German submarines about a year later, June 22, 1916. He was captured, taken to Bruges and tried hastily before a court-martial apparently for the German official telegram announced that "On Thursday, at Bruges, before the court-martial of the Marine Corps, the trial took place of Captain Charles Fryatt of the British steamer *Brussels* which was brought in as a prize." He was sentenced to death and executed. Germany announced that "although he was not a member of a combatant

force, he made an attempt on the afternoon of March 28, 1915, to ram the German submarine *U 33*."

A few weeks afterwards the unarmed ocean liner, the *Lusitania* was sunk without warning with the loss of 1,000 lives including many Americans.

Such action by the Germans was contrary to their own prize regulations which read as follows: "If an armed enemy merchant vessel offers armed resistance to the right of visit, search and capture \* \* \* the crew are to be treated as prisoners of war." Under the German policy of *frightfulness* the tendency to enlarge the list of persons to be treated as outlaws when captured was evident. The *Rheinisch Westfälisch Zeitung* of August 1 published an article calling upon the German government to treat American volunteers fighting with allied troops against Germany as franc-tireurs (outlaws), and when captured, to shoot or preferably to hang them.<sup>1</sup>

(2) **Viewpoint of the United States.** The viewpoint of the United States concerning the German claims about submarine warfare is summarized in the speeches of President Wilson to Congress. In his address of April 2, 1917, in which he said that "On the third day of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the first day of February it was its purpose to put aside all restraints of law and humanity and use its submarines to sink every vessel that sought to approach either the coasts of Britain and Ireland or the ports controlled by the enemies of Germany within the Mediterranean, that had seemed to be the object of the German submarine warfare earlier in the war, but since April of last year the Imperial Government has somewhat restrained the commanders of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines

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<sup>1</sup>Hurd, A. War Pamphlets, 5. Submarines and Zeppeline in Warfare and outrage.

might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats. The precautions taken were meagre and haphazard enough as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed. The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their errand, their character, their cargo, their destination, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the prescribed areas by the German government itself were distinguished by unmistakable marks of identity have been sunk with the same reckless lack of compassion or of principle \* \* \* I am not now talking of the loss of property involved \* \* \* but only of the wanton and wholesale destruction of lives of non-combatants, men, women, children, engaged in pursuits, which have always, even in the darkest days of modern history been deemed innocent and legitimate \* \* \* The present German submarine warfare against commerce is a warfare against mankind." Only four days later the Congress of the United States declared war against Germany due largely to Germany's submarine policy.

(3) **Importance of submarines in the opinion of students of submarine developments.**

a. **Simon Lake, Robert Fulton, Joseph L. Tuck, and John P. Holland.** Although five World Powers have agreed concerning the use of submarines as indicated by the treaty of Washington of 1922, there are persons who have studied the use of submarines who believe that these will be of vast importance and Lake states that he believes that a submarine blockade is a legitimate use of

this weapon regretting that the acts committed by one of the belligerents during the World War were little short of outright piracy. He asserts that it is his belief that the future destiny of the submarine is to put an end forever to the possibility of warfare upon the high seas, and to eliminate warfare between nations which have no other access to each other than by the sea. Robert Fulton, Josiah L. Tuck, and John P. Holland were also of the opinion that submarines would become important in naval warfare. Simon Lake maintains that if two nations go to war the submarines belonging to each other will effectively blockade the ports of the other; that commerce will come to an end without either invasion or naval battles, that the worst that can happen will be a deadlock and that a commercial deadlock of this kind will soon be ended by mutual agreement.<sup>1</sup> If this should come to pass the number of prisoners of war captured at sea may be insignificant.

b. **Admiral Sims.** Admiral Sims who by training and experience should be ably qualified to judge of the importance and value of submarines in warfare, for he commanded the United States naval forces in European waters from April 28, 1917, until the end of the World War, asserts that the submarine is sadly misunderstood by the American people. He says that measures have been adopted that "are so contrary to our national interests as to deserve the attention of even the man on the street." He claims that both the offensive and defensive properties of this vessel, used in strict compliance with international law, are more remarkable than those of any other type, and that for a nation whose policy is not aggressive it is the most valuable of naval weapons. He states that "a coast adequately defended by it is immune from successful attack by a maritime power situated at a considerable distance, no matter how great its naval forces, since it can deny the use of the

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<sup>1</sup>Simon Lake, *The Submarine in War and Peace*, pp. 293-297.

sea over such a large area of its home waters as to make serious naval aggression impracticable." He is emphatically of the opinion that operations against seaborne trade of an enemy "can be successfully carried out without any violation whatever of international laws or the laws of humanity. With almost no exceptions the German cruising submarines, the *Deutschland* class of large vessels, were so used during the war, often keeping the sea for three or four months at a time using the first captured vessel as a floating base, destroying other vessels and insuring the safety of their crews by *sending the men into port on the captured vessel when she was filled up and was getting short of food thus acting in practically the same manner as would a regular surface cruiser though more efficiently because of her greatly superior radius of action, offensive power, and her ability to avoid action by submerging.*"

England having been in great danger during the World War from the enemy submarines urged strongly at the Limitations of armaments conference at Washington that drastic restrictions be made of their use, and Admiral Sims states that there was not enough interest on the part of the people of the United States to prevent her representatives at that conference from signing the treaty admitting that the submarine cannot possibly be successful as a commerce destroyer. Article IV referred to by him in this connection is as follows: "The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and non-combatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto."

Lord Balfour representing Great Britain before the

adoption of the article just quoted that the "use of submarines, whilst of small value for defensive purposes, leads inevitably to acts which are inconsistent with the laws of war and the dictates of humanity."<sup>1</sup>

The accuracy of the above statement of Lord Balfour is directly challenged by Admiral Sims who refers for authority for his statement to the officially recorded experience of the World War citing as examples the instances of the Norwegian *S. S. Bygdones* captured September 1917; the *Eagle Wing* halted, stores taken, and a skipper rebuked for being behind his schedule; warned never again to keep a U-boat waiting, and told to "beat it"; the *Willie G.* captured 1918 and used to take the crew and that of the *Erie* to Port.

Admiral Sims is further of the opinion that a possible enemy may use submarines against the United States commerce vessels legally, humanely,—cut her sea lines of supply although the United States if she adheres to the principle set out in the treaty cannot do either of these to the enemy which places the United States at a great disadvantage.

(I) **Unfortunate predicament of submarine commanders during the Treaty of Washington, 1922.** The personal responsibility of submarine commanders in carrying out their orders is most dangerous to them because Article I of the treaty authorizes, under certain specific conditions, the use of the submarine as a commerce destroyer in capturing or destroying merchant vessels. In Article IV, "The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers," that is of attacking merchant vessels as authorized in Article I, "without violating as they were violated in 1914-1918, the requirements universally accepted by civilized nations for the protection of lives of neutrals

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<sup>1</sup>Conference on the Limitation of Armaments, Government printing office (Washington, D. C.) 1922, p. 554; also statements made by Lord Balfour, pp. 522, 530, 554, 478; but see also statements by M. Sarrant, p. 486, Admiral de Bon, pp. 486, 506, 529, and by Senator Schanzer, pp. 489, 527.

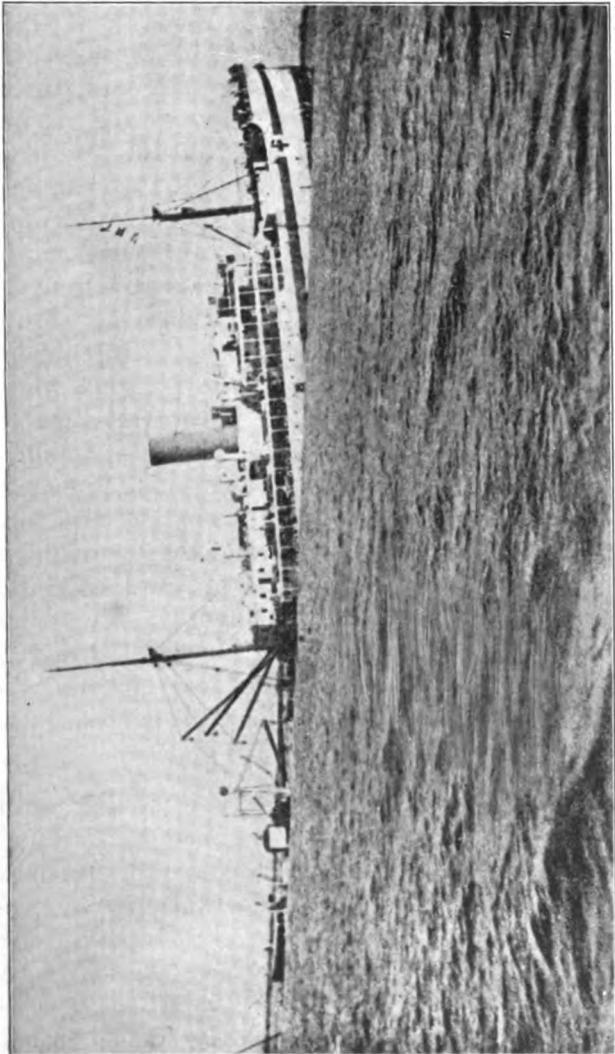
and non-combatants."<sup>1</sup> Article III provides that "any person in the service of any power who shall violate any of these rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any power within the jurisdiction of which he may be found.

Hence, in the opinion of Admiral Sims, if a submarine commander belonging to a nation not a signatory to this treaty obeys the lawful orders of his senior officers to capture or destroy a merchant vessel under the conditions specified in Article I, he may, if captured, be tried under Article III, condemned, and punished as a pirate by a foreign country. There is no definition in the treaty of a *merchant vessel* hence the submarine commander, as well as his government may have an honest opinion concerning what is a merchant vessel which is different from the government which captures him, and be punished as a pirate, instead of being treated as a prisoner of war.

(II) **Submarines used according to principle of international law.** Although the Germans doubtless used the submarine in violation of the well known and long established principles of international law during the World War this is not an adequate reason why the submarine should not be used hereafter in accordance with generally accepted principles of international law. The nation which makes use of submarines in violation of international law should be condemned rather than the weapon itself. France, one of the signatories to the treaty, believes that a nation seantly supplied with capital ships will find the submarine the only weapon which at present will provide adequate defense. Hence France may be expected to use the submarines extensively if her

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<sup>1</sup>Conference on the Limitation of Armaments, Government printing office, (Washington, D. C.), 1922, pp. 586-588.



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BRITISH HOSPITAL SHIP GLOUCESTER CASTLE, SHOWING RED CROSS ON BOW, SUNK IN THE  
ENGLISH CHANNEL BY A GERMAN SUBMARINE

Courtesy of John Hays Hammond, Jr., from the **Journal of a submarine commander**.

existence depends upon this use for she has but few capital ships. The French government further believes that submarines may be used in accordance with the laws of humanity for *large submarines have the advantage of being able to rescue the crews of torpedoed vessels or to furnish prize crews to captured vessels.*

(III) **Torpedoing hospital ships.** The German submarine commanders during the World War had orders to destroy hospital ships only when they carried troops. In the case of the *Llandovery Castle*, the evidence brought out at the trial at Leipzig showed that the submarine followed the vessel for almost an entire day observing through the periscope to ascertain whether she had troops on board. Finally the submarine commander concluded she carried troops and torpedoed her. However, when he visited her to find evidence to sustain his belief he found none and fired upon the persons whom she had carried for the purpose of killing all persons who might be witnesses against him. Then he falsified the log of the submarine and exacted a promise from two of his officers not to report his ghastly mistake and thus enable him to escape punishment by his own government. Nevertheless, one boat escaped. Before the trial the submarine commander fled from his country. The court sentenced him to be dismissed from the service and to have his property confiscated. The two officers who agreed not to make known the facts were sentenced to dismissal and imprisonment.<sup>1</sup>

(IV) **Possible abuse of the treaty of Washington 1922.** If a nation uses her vessels manned by her own naval officers to supply her troops across the sea these ships may all be destroyed under international law, or the Washington treaty. If, however, she employs merchant vessels unarmed to supply the great overseas forces

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<sup>1</sup>Current History Magazine, June 1923, pp. 363, 364, by Admiral Sims, citing the Leipzig Trials by Claud Mullins, the British representative who attended the trials.

es taking neutral vessels to augment this transportation under the Washington treaty these vessels would run no risk but under international law they would be liable to capture, and confiscation of the cargo which although technically called freighters would be as dangerous as if actually military vessels.<sup>1</sup>

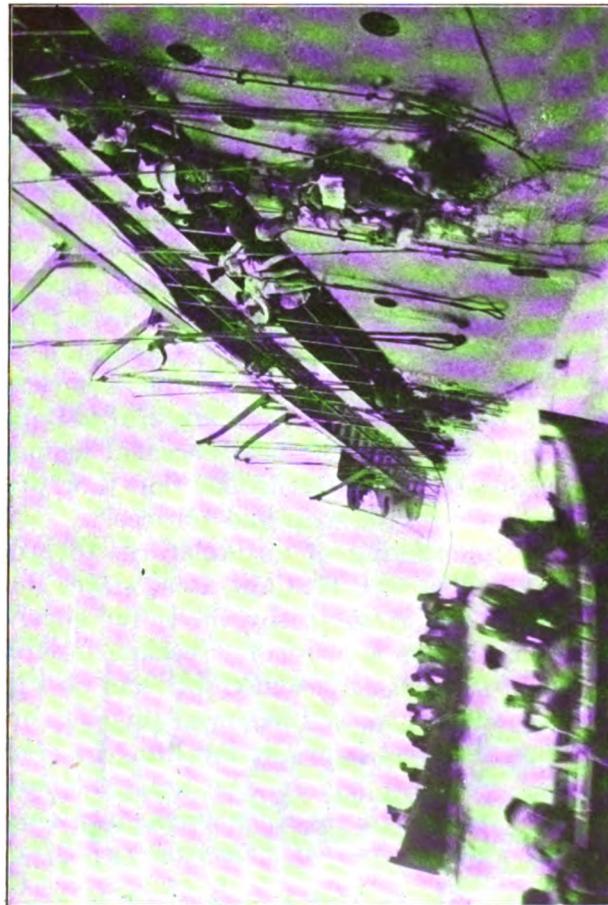
(4) **Viewpoint of a German Submarine Commander.** In order that the viewpoint of the German submarine commanders may be better understood a few of the experiences of Captain Rose of the German navy who commanded the *U-53* are here related. In describing the sinking of the English passenger ship *Stephan* on the American coast not far from Nantucket Light, October 8, 1916, he said in part that "we stopped the ship in the evening and the crew and all passengers were taken up by the destroyers of the then neutral American navy." The Cunarder *Ultonia* which though protected by a British warship was torpedoed by the *U-53*, Captain Rose commanding. The captain and crew of the American steamer *Housatonic*, New York, were so grateful to Capt. Rose for permitting them to get their personal belongings before the *Housatonic* was torpedoed that they presented the German crew with soap and tobacco.<sup>2</sup>

In describing the sinking of an American torpedo boat destroyer, December 6, 1917, Capt. Rose states that "we threw life belts and rings to several of the survivors who did not have even a piece of wreckage to cling to, and pulled aboard the *U-53* two men who had no support. Despite the success we had achieved this was one of the hardest and bitterest hours of my life. *In other instances we had regularly had to deal with merchant ships, which put to sea in order to make money and which employed against us methods that we considered a flag-*

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<sup>1</sup>Current History Magazine, June 1923, p. 363; see also this entire article by Admiral Sims, pp. 355-363; Victory at Sea, 1919-1920, by Admiral Sims.

<sup>2</sup>The North American Newspaper Alliance, The German U-boat raider tells of his grim task. See The Sun, Baltimore, Md., Sunday Morning, May 13, 1923.



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PASSENGERS AND CREW LEAVING A SINKING LINER TORPEDOED BY A GERMAN SUBMARINE IN THE MEDITERRANEAN

Courtesy of John Hays Hammond, Jr., from the **Journal of a submarine commander**.

*rant breach of the most sacred international rights and had compelled us to resort to the indiscriminate submarine warfare.* But here we had to deal with honorable enemies, men who had unselfishly risked their lives without hope of reward in the service of their fatherland. But I could not save more. There was no place for them but on deck, and all would have been lost the first time we had to submerge. I went away with a heavy heart. A few yards from the *U-55* a man was struggling with death. I can see him yet. He looked over toward us. He gave no cry for help, no cry of anguish, none of fear. Silent, resolute, heroic, he went down as we passed, dead for his country.” Captain Rose sent a wireless message to the English Station of Land’s End: “Destroyer *Jacob Jones* sunk 49 degrees 20 minutes north, 6 degrees 18 minutes west. Save survivors. *U-U-U*.” After a brief pause another message was sent. Captain Rose said “such action was doubtless unusual during this murderous war, and I debated with myself whether I could accept the responsibility for it before the souls of the *U-boat* men who were killed in gruesome manner by the enemy. I wavered a good deal, but finally decided to let mercy prevail in order to do what I could to bring a bit of chivalry into the conflict. Shortly before 11 o’clock at night we had the satisfaction to intercept the following radio: ‘UZAG on Land’s End: U. S. S. *Jacob Jones* torpedoed 4925 9622 at 8 P. M. Survivors on board; three rafts still at large.’ Our call had been heeded. Our prisoners (on the *U-boat*) accommodated themselves rapidly to their new manner of life and they and the crew became fast friends.”<sup>11</sup>

From this may be inferred that the German submarine commanders felt they had a special grievance against the *merchant vessels* which according to their view broke the *most sacred* international rights and compelled them to resort to the *indiscriminate submarine warfare*. At least it is admitted by Captain Rose that

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<sup>11</sup>North American Newspaper Alliance, World Bldg., New York,  
published in *The Sun*, Sunday Morning, May 13, 1923.

the warfare by the German submarines was indiscriminate but he showed mercy for his armed enemies of the torpedo boat destroyer *Jacob Jones*.

Let us hope that for the benefit of mankind and particularly for the personnel of merchant vessels and submarines that the Treaty of Washington or some other treaty if that be inadequate become effective between *ALL* nations before another war so that there cannot well be an honest difference of opinion as to whether or not this personnel shall be treated as prisoners of war, and the circumstances under which this treatment is guaranteed.

(5) **Radio and Aircraft.** It is not necessary to study ancient history for the development of the customs pertaining to aircraft or radio. Balloonists were formerly classified as spies. Balloons were used in the siege of Paris, and five French balloons fell into the hands of the enemy. Bismark asked Mr. Washburn, in behalf of the United States, to inform the French government that all persons making such journeys be entitled to the same treatment that is meted out to persons who obtain information within the lines in the ordinary way.<sup>1</sup> The German representative at the conference of Brussels was instructed to vote for article 22 of the *Declaration of Brussels* which provides that such persons are not considered spies if captured. This principle was also included in the Regulations of the Hague, article 29. Reservations were made to limit the methods of warfare by such means, however, by the agreement of the Conference of the Hague, 1899, to prohibit the throwing of projectiles from balloons or by other analogous methods for a period of five years. Aviation increased in importance. France regulated it by a decree of February 13, 1903. During the World War many questions arose concerning the proper use of aircraft as well as radio. The subject of bombardment by aircraft is a most difficult one

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<sup>1</sup>du Payrat, citing *Journal Officiel*, 25 November 1870.

to deal with in framing any codes for aerial warfare. No effort is made here to set forth the many rules that have been recommended for this purpose.<sup>1</sup> When enemy military aircraft falls into the hands of a belligerent, the members of the crew and the passengers, if any, may be made prisoners of war. The same rule applies to the members of the crew and the passengers, if any, of an enemy public non-military aircraft, except that in the case of public non-military aircraft devoted exclusively to the transport of passengers, the passengers will be entitled to be released unless they are in the service of the enemy, or are enemy nationals fit for military service. If an enemy private aircraft falls into the hands of a belligerent, members of the crew who are enemy nationals or who are neutral nationals in the service of the enemy may be made prisoners of war.<sup>1</sup>

#### 4. Service which does not normally require fighting.

a. **Guides.** Among the individuals that may be captured are guides for they aid belligerents in warlike operations. Guides are very essential for troops who do not know a country and invade it without maps. The French field service regulations provided that guides be chosen from the more intelligent men, and particularly from the chasseurs.<sup>2</sup> The Field service regulations of the United States contained a provision that guides may be taken if they cannot be obtained otherwise. Bluntschli expresses the same thought in his international law codified, article 635. Dudley Field, in his Project of the International Code, article 769 stated that guides may be taken. The regulations of The Hague, article 44, contain the statement that "it is forbidden to force the population of an occupied territory to take part in the mili-

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<sup>1</sup>See appendix VI for a statement of the Report of Commission of Jurists made pursuant to the Washington Conference on the Limitations of Armament, 1922, pertaining to air craft and radio.

<sup>2</sup>du Payrat, p. 76, also, It is prudent it adds, to take many, and to question them separately and to compare their statements. A guide is requested to march with the advance guard, and the necessary force may be used. General de Brack, *Avant-postes de cavalerie legere; des guides*, p. 111.

tary operations against its own country." The taking of guides should be resorted to only when absolutely necessary. It is a severe test of a person to make him lead the enemy against his own people, but we are concerned here principally with the disposition of such guides when captured by his own people. If he offers to serve under duress to avoid being killed for refusing to become a guide, he should not be punished. If he is a citizen of the belligerent country or of a neutral country merely residing there, and *forced* to serve as a guide he is entitled to the treatment of a prisoner of war.<sup>1</sup> If a guide deceives the enemy should he be punished? Yes, he should expect the most pitiless chastisement provided he has voluntarily led the enemy; but, if he is forced to guide the enemy his act of purposely misleading the enemy is not so unpardonable.<sup>2</sup> The punishment is death and it is customary to shoot him.

b. **Messengers.** Military messengers in proper uniform, if captured, are entitled to the treatment of prisoners of war. Civilian messengers who accomplish their mission openly are also entitled to the same treatment.<sup>3</sup> But they should wear an arm band or other particular clothing to show clearly their right to perform their mission as messengers. When they do not wear something to distinguish them and try to deceive the enemy by stealing through the country of the enemy, they are not, if captured, prisoners of war but are in the same category as spies.<sup>4</sup>

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<sup>1</sup>American Instructions, 1863, art. 94; Bluntschli, *Droit international codifié*, art. 635; Dudley Field, *Project d'un Code de droit international*, art. 769; U. S. Manual, Art. 187, 189, 321, 322, Hague Rules, 23, 24.

<sup>2</sup>American Instructions, 1863, art. 97.

<sup>3</sup>Hague Rules, art. 29. American instructions, 1863, art. 99. *Manual of International Law for French Officers*, p. 38.

'du Payrat, p. 84, citing *Manual of International Law for French Officers*, p. 39. Commandant Guelle, *Precis des lois de la guerre*, t. 1, p. 134, see also Bluntschli, *Droit international codifié*, art. 639. Calvo, *Droit international théor. et. prat.*, t. 1, p. 669, sec. 532. American instructions, 1863, art. 99, 100.

**c. Public Officials.** By usage of even uncivilized peoples, public officials sent by belligerents to discuss certain proposed agreements, the exchange of prisoners of war, armistices, and capitulations, are considered as sacred. To be assured of the proper treatment public officials should, however, show a flag of truce or some other sign universally known and approved. The French field service regulations contain minute instructions concerning the reception of public officials.<sup>1</sup> Article 33, of the regulations of The Hague, provides that all necessary measures may be taken to prevent the envoy taking advantage of his mission to gain information. In case of abuse the envoy may be temporarily detained.<sup>2</sup> They may be blind-folded and required to make detours. The military commander may declare in advance that he will not receive public officials during a stated time. Marshall Blanco, at Havana, June 1898, refused to receive public officials who represented the United States.<sup>3</sup>

**d. Persons who accompany public officials.** Individuals, who accompany public officials, such as buglers, drummers, interpreters, are likewise inviolable. They must also conform to the rules which require that they be recognizable without difficulty, and have proof in writing of their missions.<sup>4</sup> A failure in these particulars renders them subject to the treatment that befalls a spy. One of the aides-de-camp of Napoleon was sent to the

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<sup>1</sup>du Payrat, p. 83-87.

<sup>2</sup>Hague Rules, Art. 32, 33 also art. 34. If an envoy is treacherous he loses inviolability. American Instructions, Art. 114.

<sup>3</sup>Declaration of Brussels, 1874, article 44. *Revue generale de droit intern.* 1898. du Payrat, p. 86. Oppenheim, Vol. 2, p. 153, 154, as follows: The head of the enemy State and officials in important posts in case they do not belong to the armed forces, occupy so far as their liability to direct attack, death, or wounds is concerned, a position similar to that of any private enemy persons. But they are so important to the invading forces, that they may certainly be made prisoners of war. If a belligerent succeeds in obtaining possession of the head of the enemy State or its Cabinet ministers, he will certainly remove them into captivity, and he may do the same with diplomatic agents and other officials of importance, because by weakening the enemy government he may thereby influence the enemy to agree to terms of peace.

<sup>4</sup>Hague Rules, Art. 32. *Correspondence de Napoleon*, Ier, t. XIII, p. 420; du Payrat, p. 87.

king of Prussia, October 12th, 1806, on a mission concerning the establishment of peace.<sup>1</sup> He did not have a trumpeter, and was detained as a prisoner for 24 hours although he had a letter as a testimonial of his important mission. Excessive precaution in this instance on the part of the Prussians caused them one of their most disastrous defeats, for the letter was received on the thirteenth before the battle of Jena began. If a messenger abuses his privileges to gain important information he may be held responsible therefor. During the Franco-Prussian war Colonel von Alversleben went to Laon, and by his threats and talk, induced the capitulation of that city.<sup>1</sup>

#### e. Diplomatic agents, neutral officers on missions.

(1) **In general.** Diplomatic agents of a neutral country in the theatre of war are protected by their international role as long as they observe the neutrality faithfully. Bismark ordered the arrest of de Miranda at Versailles, France, because he wrote an article upon the ambition of Prussia. His decorations were rudely torn from him, and he was placed in solitary confinement. Such punishment was severe because de Miranda was a diplomat in the service of a neutral country, and moderation is prudent in dealing with such delicate distinctions. However, when it appears clearly that a diplomat has violated the neutrality, a belligerent may properly put a stop to such insolent participation in the hostilities.<sup>2</sup>

(2) **At outbreak of World War.** Before the United States was engaged in the World War, the American ambassador Gerard was held by the German government, and Secretary of State, Lansing, said this detention was in itself an act of war. The only theory that was put

<sup>1</sup>du Payrat, p. 88, citing Commandant Guelle, *Precis des lois de la guerre*, t. I, p. 228. Bronsart von Schellendorff, *Le Service de Etat-Major*, French translation by Captain Weill.

<sup>2</sup>du Payrat, p. 89, citing General Ambert, *Recits Militaires, Apres Sedan*, p. 224.

forth to explain Germany's act was that Germany must have thought that America would do the same thing. Germany was evidently excited over her sailors in the United States. The wives of the American consuls when they left Germany were stripped naked, given an acid bath to detect writing on their flesh, and subjected to other indignities.<sup>1</sup>

(3) **Neutral officers.** Neutral officers may also accompany the diplomatic agents to study the changes occurring in war, such as the modification of armaments and tactics. They have a diplomatic and neutral character, hence, if captured, may not be treated as prisoners of war, but should be treated with respect. During the Russo-Japanese war the Russian army permitted at Mukden three foreign officers to visit the Russian army, and a captain of cavalry of the United States army, and a military surgeon was seized by the Japanese troops. Marshall Oyama received them at general headquarters and invited them to his table. An official interpreter was provided for them, and they were allowed to return to their own country as soon as possible.<sup>2</sup> The position of neutral officers attached to armies in war is most delicate; acts on their part may have grave results, and may be erroneously interpreted. They should, therefore, be entirely neutral, use tact and be circumspect to prevent being deprived of their liberty.<sup>3</sup>

(4) **During American Revolution.** During the war with Great Britain after the burning of the national capitol at Washington the British withdrew marching through Upper Marlboro, Maryland, toward their ships in a tributary of the Chesapeake Bay. After the main body passed through the town, stragglers, who had left the ranks to plunder or from some other motive, made their appearance from time to time, singly or in small

<sup>1</sup>World's Work, June 1922, pp. 216, 217, letter of Franklin K. Lane.

<sup>2</sup>Ariga, p. 122.

<sup>3</sup>Holland, *The Laws and customs of War on land*, no. 37.

numbers, and Dr. Beanes put himself at the head of a small body of citizens to pursue and make prisoners of war of them. The English were informed of this and a detachment of British soldiers was sent back to secure the persons taken prisoners and to seize Dr. Beanes. The British did not seem to regard him or treat him as a prisoner of war but as one who had deceived them or broken faith with them. He had, however, cared for the wounded British soldiers for he was a prominent doctor of Upper Marlboro and was held in high regard by the people of that place. Francis Scott Key, a lawyer, was asked to endeavor to secure the release of Dr. Beanes by the British, and, after being provided with the proper papers, Key, under the flag of truce, visited the British fleet finding it near the mouth of the Potomac preparing for the expedition against Baltimore. Key was courteously received by Admiral Cockburn and also the army officers. But when he made known his business, his application was received so coldly that he feared it would fail. Admiral Cockburn spoke of Dr. Beanes in very harsh terms and seemed at first not disposed to release him. But Mr. Skinner arrived with some letters from the wounded British officers left at Bladensburg, and in these letters to their friends on the fleet they all spoke of the humanity and kindness with which they had been treated, after they had been captured by the Americans. General Ross said he felt inclined to release Dr. Beanes for the kindness shown to the wounded British soldiers. But Key was informed that no one would be permitted to leave the fleet for an attack would soon be made on Fort McHenry, Baltimore, Maryland. A promise, however, was made that they would take care of him on the British frigate *Surprise*, and Key and Beanes were placed abroad that ship. Key reported that Dr. Beanes had been treated as a culprit, not as a prisoner of war, and that this harsh and humiliating treatment was continued until he was placed abroad a cartel ship. Key imputed the ill usage Dr. Beanes received to Admiral Cockburn who carried on hostilities in the Chesapeake.

in a vindictive manner, assailing and plundering defenseless villages. Key and Beanes were kept under guard during the battle, Sept. 14, 1814, and it was under these circumstances that the *Star Spangled Banner*, the American national anthem, was written by Key, by making notes on an envelope which he had with him.<sup>1</sup>

f. **Sovereigns, statesmen and other functionaries.**

The sovereign and members of the royal family who command an army may be taken prisoners of war, but they are usually treated with special courtesy. In the same manner, the chief of republics may be taken prisoners of war. The capture of the head of a government has more effect than the capture of other individuals. The high authorities of the hostile State and the persons who direct the policies of the government should be sought for that reason.<sup>2</sup> Functionaries of all kinds, governors of States or provinces, mayors or burgomasters should be arrested by the invaders to restrain them from hostile acts of every description. It is wrong to make prisoners of war of the agents or civil officers of an invaded country as a punishment for failing to perform their functions under his authority. The Japanese army during the Russo-Japanese war proceeded against many high functionaries of Manchuria.<sup>3</sup> On March 20th, 1905, ten functionaries of Liao-Yang were condemned to death by courtmartial at Dalmy for deeds of espionage, and the governor of the city was granted his liberty only through the intervention of China. Eighteen functionaries of Mukden were arrested March 19th, 1905, because their attitude was favorable to Russia.<sup>4</sup> The Russian army arrested many Chinese governors including

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<sup>1</sup>The Sun, Baltimore, Maryland, June 11, 1922, Old letter of Chief Justice Taney, of the U. S. Supreme Court, a brother-in-law of Key, to Henry V. Johns, Baltimore, Md.

<sup>2</sup>Kriegsbrauch im landkriege, p. 28, by Carpentier. American instructions, 1863, art. 50.

<sup>3</sup>du Payrat, p. 96; Ariga, p. 67.

<sup>4</sup>Ariga, p. 410; du Payrat, p. 97.

the governor of Kirim, and of Si-Feng-kien<sup>1</sup> the 16th of June 1905.

**g. Sellers of food and canteen supplies.** Civilians usually accompany the troops for the purpose of selling food supplies. They are sometimes placed under the supervision of the military police. Authority should first be obtained to identify the holders, and to assure the military police that such persons are not spies. Licenses should also be placed in a conspicuous place on their vehicles. The service of such persons is not of a warlike nature and their presence is welcome to the combatants. They give their promise to sell wholesome foods and keep well supplied. They really help to prolong the struggle, and their capture is, accordingly, legitimate.<sup>2</sup> It is not universally admitted that they are entitled to the status of prisoners of war if their presence with the enemy is dangerous to the latter.<sup>3</sup> They should be returned to their own country when demand is made for them,<sup>4</sup> but this privilege has not been observed altogether in modern wars.<sup>5</sup> Papers of identity<sup>6</sup> also help to keep from the battlefield those persons who despoil dead bodies, massacre the wounded,—veritable hyenas of the battlefield. War discloses the most despicable as well as the noblest characteristics of mankind. During the heat of battle a wicked heart has many opportunities to commit evil deeds with only slight chance of detection.

**h. Convoyers and automobilists.** Horses and automobiles are often requisitioned by the military authorities. Civilian convoyers may play an important part in the preliminary arrangements for a battle, and, if cap-

<sup>1</sup>Ariga, p. 69; du Payrat, p. 97.

<sup>2</sup>Heffter, *Droit International public de l'Europe*, L. II, par. 126.

<sup>3</sup>Eluntschli, *Droit International codifié*, art. 595.

<sup>4</sup>De Clerq, *Recueil des Traites de la France*, p. 225-228.

<sup>5</sup>American Instructions, 1863, art. 50; Hague Rules, art. 13. *Manual of International Law for use of French Officers*, pp. 37, 38. Article I of French regulations of 1893. *Convention of Brussels*, article 34.

<sup>6</sup>Hague Rules, art. 18, "Entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they accompany."

tured, become prisoners of war. The Japanese were dissatisfied with the service rendered by the coolies hired to transport supplies during the Russo-Japanese war for they were undisciplined and unsatisfactory. An auxiliary corps was, accordingly, established to perform such duties. One hundred and eleven thousand of these troops went into Manchuria during that war. They were armed with small sabres, and sometimes were actual combatants.<sup>1</sup> Automobilists render valuable services within the theatre of operations. They carry orders, renew the ammunition supply, and transport troops. In the great German offensive of the first battle of the Marne, 1914, the French commanders took charge of the motor vehicles of Paris and its vicinity, and transported the troops rapidly therein to the points where they were most needed, thus enabling the French until other reinforcements arrived to check the *drive* towards Paris.

i. **Civilian employees of the postal, telegraph, and railway services.** Civilian employees of the postal, telegraph, and railway services are subject to the obligations of military service, and may be organized into special groups such as squads or companies. They generally wear a uniform and are entitled if captured to be treated as prisoners of war.<sup>2</sup>

j. **Journalists.** At the Conference of Brussels the delegates of The Netherlands proposed to accord to journalists the benefit of neutrality. General Voigts-Rhetz opposed the proposition on the ground that they annoyed the military authorities, and should be made prisoners of war especially if they aroused the population to reprisals. Their writings prolonged the war, influenced its outcome, and should be submitted to a censor of the press. They should carry permits enabling the military authorities to identify them. A set of rules applicable to all journalists accompanying an army are

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<sup>1</sup>Ariga, p. 75; du Payrat, p. 102.

<sup>2</sup>Hague Rules, art. 13.

useful.<sup>1</sup> Because of a defective permit, Captain Schmidt who was a correspondent of the Prussian Journal was arrested within the interior of the advance posts. He had the plans and maps of the theatre of war, was unable to justify his presence, and was accordingly court-martialed as a spy and shot.<sup>2</sup>

During the World War Irwin S. Cobb, a newspaper correspondent, was received by a German staff officer,—a colonel who spoke good English,—and his papers were examined. The German officer said, "I do not understand how you came here, you gentlemen, you have no correspondence with our army. Tomorrow morning we shall give you escort and transportation back to Brussels. Remember that you are not prisoners, by no means. You may consider yourselves for the time being as guests of the German army temporarily detained." Cobb was held, however, under about the same conditions as other prisoners of war who were captured in that vicinity. He was given more freedom than prisoners of war who were not correspondents but was, nevertheless, guarded. Finally the prisoners of war with Cobb were sent to Cologne but Cobb was bidden to detrain at Aix-la-chapelle. On arrival he was allowed to go where he pleased although still watched by the secret service. Soon thereafter the American consul succeeded in convincing the military authorities that Cobb and his associates were not dangerous.<sup>3</sup>

The war offices of France and Russia would not permit an American correspondent to accompany their armies; the English granted this privilege to one. The experience of one correspondent has been related somewhat as follows: he had arranged to obtain his credentials from Brand Whitlock, the Belgian minister from

<sup>1</sup>du Payrat, p. 114, citing **Kriegsbrauch im landkriege**, translation, Carpentier, p. 78, 84. See also law of France of 7th April, 1874, on this point.

<sup>2</sup>Dick de Lonlay, **Francals et Allemagne**, p. 132.

<sup>3</sup>Cobb, Irwin, **The Paths of Glory**, pp. 114-159.

the United States but failed to do so for the Belgian minister moved to Antwerp the day before he was to receive them. The correspondent found himself in Brussels without credentials except a passport and laissez-passer issued by General Jarotsky, the new German military governor of Brussels. It contained information that the correspondent, Davis, represented a syndicate of American newspapers, the *London Daily Chronicle*, and *Scribner's Magazine*, and that he could pass German military lines and the environs. Davis soon found that the German officers introduced themselves with a pistol in their hand. He was arrested as a spy. His passport was signed as follows:

“Visé le 17 Aout, 1914, Hugh S. Gibson, Secrétaire de légation. Légation of the United States. Brand Whitlock. Brussels.”

Davis was permitted to communicate with the American minister to Belgium and his identity was established. He was allowed to return to Brussels and was given a pass which read as follows:

“The American reporter, Davis, must at once return to Brussels \* \* \* and report to the government at the latest on August 26th. If he is met on any other road, or after the 26th of August, he will be held as a spy. Automobiles returning to Brussels, if they can unite this with their duty, may carry him. Von Gregor, Chief of Staff. Lieutenant colonel”.

On arriving at Brussels Davis met Brand Whitlock and told his story. Mr. Whitlock informed the German authorities that Davis was there as his friend so that on his pass the German added:

“Brussels, August 25, 1912.

“Herr Davis was on the 25 of August 1914 at the headquarters of the German government accompanied by the American minister and is not at all to be treated as a spy.

He is highly recommended by the American minister and is well known in America.<sup>1</sup>

Albert Bovey,  
Translator to Major General Jarotsky."

**k. Women and children.** Women may dispute with men concerning military courage, the privilege of arming themselves in war, and of commanding troops. Acts of heroism, however, by women as combatants are rare. Prominent in the list of heroic women are the names of Artemis, Queen of Halicarnassus, who was valiant in the battle of Salamis; of Zenobia, queen of Palmyra;<sup>2</sup> of Boadicea, queen of the Britons; of Joan of Arc who led the French to victory against the English; of Molly Pitcher who took her husband's place in a battle during the American Revolutionary war and who was afterwards promoted to the grade of Sergeant; of the American women who defended their homes against the outrages of the Indians.

(1) **Captured by Indians during American Revolution.** A typical example of such captivity was the experience of the family of Benjamin Gilbert, who had settled at Mahoning, Pennsylvania, the frontier of those days. The Indians, who in the American Revolution had cast their lot with the British, on April 25, 1780, appeared at the home of Benjamin Gilbert, shook hands with the family, calling them brothers, but seized them and tied them securely. Among the captives so taken were some girls of the age of 19, 16, 12, 14 years of age and a baby of 9 months of age.<sup>3</sup> These women and children suffered many hardships in captivity and went most of the way on foot to Niagara. They were finally released and returned to their homes. Furthermore the United States pension bureau files indicate that two American women who served as private soldiers in the Revolution-

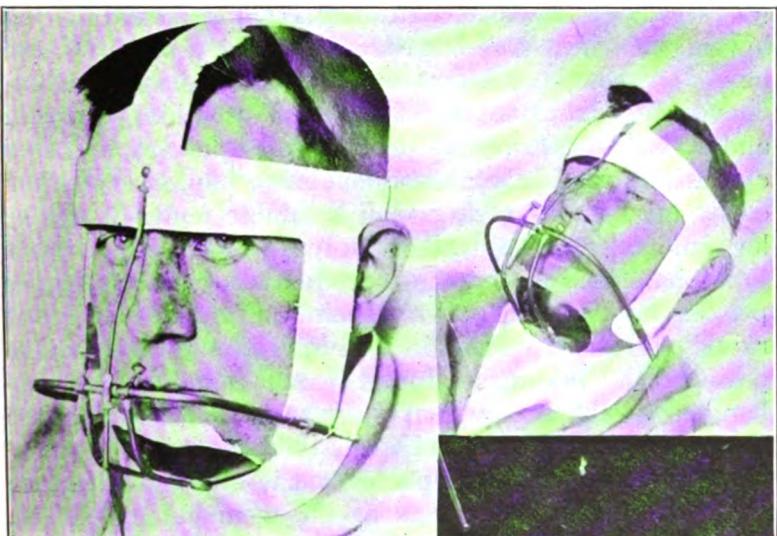
<sup>1</sup>Davis, Richard Harding, **With the Allies**, pp. 31-78.

<sup>2</sup>du Payrat, p. 116.

<sup>3</sup>Gilbert's **Narrative**, pp. 1 to 33.



MISS AMY K. THOMPSON



Miss Amy K. Thompson, an English nurse of the Anglo-American hospital, Wimereux, France, whose faithful and skillful care aided the author to recover from a fractured jaw which injury was received one week before the armistice. **Too much praise cannot be given these noble women.**

ary and Civil Wars fought, were wounded and received pensions therefor. They were Deborah Gannett of Massachusetts of the Revolution, and Albert D. J. Cashier whose real name was Hodgers and who served through the Civil war. Deborah Gannett enlisted April 1781 in a Massachusetts regiment under the name of Robert Shurtleff and served until November 1783. She was wounded at Tarrytown. The other woman enlisted in the ninety-fifth Illinois Infantry, August 1862, and was mustered out August 1865 having participated in many engagements.<sup>1</sup> During the World War the Russian Battalion of Death composed of women offered a rare example of an organized group of women soldiers.<sup>2</sup>

(2) **Best role of women in war.** These isolated examples do not alter the fact that the best role of women in war is in the care of the sick and wounded where they are practically exempt from ordinary captivity. The author has first hand knowledge of the services of women as nurses of the wounded for he was in the evacuation hospital at Staden, Belgium from November 5, 1918, until November 11, 1918, suffering from a wound in the lower jaw which had been shattered by a machine gun bullet. To make matters worse when the surgeon endeavored to remove the dead bone breathing stopped and it was necessary to perform a rapid tracheotomy operation. In this weakened condition the nurses watched by his bedside giving such available nourishment as he could take. They had to prepare food with but few provisions, and lacked the ingredients necessary for the proper nourishment of a special surgical case. The rains had caused water to stand in the tents used for the patients and the nurses found it expedient to wear rubber boots. Their hours of duty were long but through their discouragements and trials they kept their watch—they saw their duty and performed it—their tender care increased as the sufferings of the wounded multiplied. The heroic services of women in the World War have

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<sup>1</sup>Baltimore American, April 6, 1923, Baltimore, Maryland.

<sup>2</sup>Botchareva, Maria Yaska, *My Life as peasant, officer and exile.*

been recognized by the U. S. war department in general orders. There have been awarded to army nurses of the United States medals for distinguished service, and also to one Red Cross executive, one signal corps chief operator, the commander of the salvation army, the chairman of the war work council of the Young Women's Christian Association and a member of the Women's committee of the council of national defense. The distinguished service cross for bravery under fire was awarded to three members of the army nurse corps and to one Red Cross nurse.<sup>1</sup> Nurses had before the World War been awarded the medal known as the *Nightingale medal* in honor of Florence Nightingale who rendered noble services as a nurse during the Crimean war.

The French regulations of 1893, provided that sex and age should be respected but that everyone must observe the general measures concerning prisoners of war. (Art. 16).<sup>2</sup> This principle is an old one for the German Arminius issued an order against making war against women.<sup>3</sup>

(2) **Conduct of English toward them in Transvaal.** The English deserved reproach, somewhat, during the South African War. They took the inoffensive families of the Boers from their dwellings, and children underwent violence by the British soldiers. DeWet and Stein protested against such acts, the 14th February 1901, claiming that the English had thereby caused the death of many women. "I think that the aged should have been protected from bad treatment."<sup>4</sup> "I shall chastise without pity the English who brutalized our women," wrote Caserta, aide de camp of Stein.<sup>5</sup> "I was captain during the war of the Basoutas," said M. Pretorius, member of the Transvaal Parliament, "and never, I declare, have we treated the women and children of the Blacks as the English today treat the women and child-

<sup>1</sup>Stars and Stripes, March 24, 1923.

<sup>2</sup>du Payrat, p. 117.

<sup>3</sup>Tacitus, Annals, Book 1, chap. 59, Translation by Ramsay, p. 73, du Payrat, p. 117.

<sup>4</sup>du Payrat, p. 118, citing The Times, 27 March 1901.

<sup>5</sup>du Payrat, p. 118, citing Journal des Debats, 11 December 1901.

ren of the Boers."<sup>1</sup> The mother of General Delarey, aged 83 years, was made a prisoner of war, and was taken to the camp at Klerkdorp. Sixty infants were born each day in one of these terrible camps of concentration, and of 34,336 of these innocent victims 1,964 died.<sup>2</sup> President Kruger said at Marseilles: "The war with the English is a war of barbarians, an atrocious war. They seized our women by hundreds at Johannesburg where they became the delights of their soldiers."<sup>3</sup>

The English tried to justify this barbarous procedure by classifying the Boers as rebels and claiming that the South African States were under British sovereignty. Before the end of hostilities, September 1, 1900, General Roberts declared that the Transvaal had already become a part of the possessions of the British, that regular war had terminated, and that the combatants were only insurgents, but the English *Manual of Military Law*, article 25, expressly recommends the careful preservation from outrages of the old people, the women, and children.<sup>4</sup>

(3) **Children captured by Germans in 1870-71.** In contrast with this, a Prussian commander, on one occasion, treated very paternally some children who were confided to him and made provision for a class for the purpose of teaching them, and on Christmas Day, distributed presents to them.<sup>5</sup>

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<sup>1</sup>du Payrat, p. 118, citing Merighnac, *Pratiques anglaises dans la guerre terrestre, dans la Revue gen. de droit intern. public*, 1901, p. 105.

<sup>2</sup>du Payrat, p. 118, citing *Review gen. de droit international*, 1902, p. 637.

<sup>3</sup>du Payrat, p. 118, citing Merighnac, *Pratiques anglaises dans la guerre terrestre, dans la Revue gen. de droit intern. public*, 1901, p. 113.

<sup>4</sup>du Payrat, p. 119.

<sup>5</sup>See Baker and Crocker, *The Laws of Land Warfare*, pp. 83-89, for general information concerning army followers, and how treated if captured. Article 13, *Hague Rules*, IV, 1907, contains the following: "Individuals who follow an army without belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they are accompanying."

### 5. Special cases.

#### a. Sanitary personnel and wounded.

(1) **History concerning personnel of the sanitary service and wounded.** Progress has been made in the care of wounded persons who are captured and the persons who care for them are accorded certain immunity. The records of antiquity offer some examples of succor of a wounded enemy. The writings of Livy, Sallust, Polybius, Tacitus, indicate that assistance was rendered to the soldiers who fell on the battle field;<sup>1</sup> but the treatment of the wounded generally is not so recorded. In 1190 at the siege of Acre during the third crusade, an order of Teutonic Knights was founded to tend wounded captives. For ages thereafter private and ecclesiastical benevolence only was accorded them. During the 17th century the belligerents sent a few surgeons and chaplains, a few field hospitals. (Lawrence, pp. 404, 45; Bluntschli, *Le Droit Int.* sec. 586). In 1689, during the war of the League of Augsburg hostile generals, the elector of Brandenburg, and Count d'Asfeld, made agreements binding themselves to care for the wounded. This example was followed at the battle of Dettingham, 27th June, 1743, and at Aschaffenburg by the count of Stair and the marshal of Noailles.<sup>2</sup> On September 1st, 1759, at Brandenburg, the marquis de Rouge of the French Army, and Baron of Buddenbrook, a Prussian Major General, held a conference concerning this matter. An agreement was made pursuant thereto which was ratified by Louis XV, and Frederic II.<sup>3</sup> Special protection was provided for the wounded by an agreement signed at Saint Cloud the 3rd day of July, 1815, between the

<sup>1</sup>Titus, Livy. Book XXIII, Chap. LXIV, translation by George Baker; Polybius, *General History*, liv. XV. par. 14, translation by Hampton 5th Ed. Vol. II, p. 40; Tacitus *Annals*, Book I, Chap. 71, translation by G. G. Ramsey, p. 84.

<sup>2</sup>du Payrat, p. 122, citing Pradier-Fodere, *Traite de droit intern.* 850.

<sup>3</sup>du Payrat, p. 121-122, citing Peyrilhe, *Histoire de la chirurgie*, t. IIx p. 404.

commissioners of the Prussian and English armies, by which the wounded with a sufficient number of doctors to care for them, were permitted to return to their own organizations.<sup>1</sup> During the Italian campaign of 1859, a French decree recommended that all the Austrian prisoners of war be given to the enemy, if their condition permitted it.<sup>2</sup> During this war M. Henry Durant, a Frenchman, saw so many of the horrors of the battle field that he was spurred on to do all he could to prevent their recurrence.

His book entitled *A Souvenir of Solferino* caused so much feeling that on the 22nd of August, 1864, the Swiss government called a convention to consider the matter. Twelve states were represented at this meeting. The result was a convention that gradually obtained the adhesion of practically all the powers of the civilized world. It provided as far as possible that all persons and things connected with them should enjoy exemption from the severities of war. An attempt was made to improve the rules and extend them to naval warfare in 1868, but the articles drawn up then were not ratified.<sup>3</sup> du Payrat states that Frederick Passy was of the opinion that it was a greater day in history than that of Utrecht, Westphalia, or Ryswick. Bluntschli said it was one of the noblest accomplishments of the modern spirit. (*Droit Int. cod. art. 586*). Some of the articles thereof bearing upon prisoners of war are here considered. Article 2 of the first convention of Geneva accorded the benefits of neutrality to the personnel of the hospitals and the auxiliaries comprising the sanitary personnel generally, including those who transport the wounded and sanitary personnel. By article 5 such neutrality was extended to persons who rendered aid to the wounded. The use of the word *neutrality* has been adversely criticized<sup>4</sup> for it

<sup>1</sup>DeClercq, *Recueil des traités de la France*, II, pp. 623, 624.

<sup>2</sup>du Payrat, p. 123.

<sup>3</sup>Lawrence, pp. 404, 405; Baker and Crocker, pp. 109, 110; Edmonds and Oppenheim, art. 174.

<sup>4</sup>du Payrat, p. 124, citing M. Leuder, *La Convention de Genève au point de vue historique; Traité de droit intern. public*, t. VIII, 2816-2856; Bluntschli, *Droit international codifié*, art. 586, translated into French by M. G. Lardy, p. 305.

has been asserted that *immunity* is the proper word to use to describe their status accurately.

(2) **Neutrality or immunity of sanitary personnel.**

The individuals enumerated in articles 2 and 5 of the convention of Geneva of 1864 need not be considered as prescribing a passive attitude. On the contrary they indicate that a positive and active view be taken concerning the sanitary personnel. It is, therefore, *immunity* of a particular kind and if such personnel falls into the hands of the enemy, its members will not be considered as prisoners of war, (article 9). They are permitted their arms but should not participate at all in acts of violence of the belligerents. If obliged to defend themselves, however, they may make use of their arms for this purpose or to protect the wounded under their care.<sup>1</sup> The Red Cross of Geneva which appears on the vehicles of the sanitary establishments, and on the uniforms of the personnel serves to give due notice of the protection to which such personnel and wounded under its care are entitled. The military commanders may retain the captured sanitary personnel after a battle to care for their wounded comrades. The convention of Geneva, 1906, articles 9, 10, 11, so provides. If a belligerent is required to abandon the sick and wounded to the enemy the proper sanitary personnel should be left with them to care for them. These provisions should tend to prevent a repetition of such a scandal as that which occurred after the battle of Gitschin, Bohemia, 1866. The Austrian doctors on that occasion refused to remain to care for the numerous wounded of their army who were left on the field of battle.<sup>2</sup> Each belligerent must determine the proper number of such personnel to be retained and when their services are required no more, they should be so informed.<sup>3</sup> This personnel is, therefore, subject to

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<sup>1</sup>Convention of Geneva, 6th July, 1906, art. 7, 8.

<sup>2</sup>du Payrat, p. 126, citing Naundorff, *Unter dem roten Kreutz*, p. 184.

<sup>3</sup>Convention of Geneva, 1906, art. 12.

*retention* only, that is, to care for the sick and wounded. To allow the personnel to circulate too freely within the theatre of war might enable it to give information to the enemy concerning the forces, plans, and morale.<sup>1</sup> The moment for release of the personnel of the sanitary service, and the route that it should follow to be repatriated are, then, subordinated to the decision of the military commander under whose power the fortune of war has brought it.<sup>2</sup> This retention should be within reasonable limits of time. During the World War complaints were made that the United States did not return the captured sanitary personnel soon enough. The real cause of this failure on the part of the United States, however, was not so much an *intent* to keep such personnel longer than a reasonable time but the fact that the soldiers who captured the members of the sanitary personnel in the eagerness to obtain "souvenirs" took the insignia and other property from the captives thus making it impossible to determine with accuracy whether the persons claiming to be members of the sanitary personnel were in reality what they said they were. This made it most important to enforce the regulations prohibiting that articles be taken from the captured unless by authorized persons who would give the proper receipts. Through the selfish motives and thoughtless action of such soldiers seeking "souvenirs" the United States forces were given the bad reputation of failing to observe the international law on this point.

By a provision of the Convention of Geneva of 1906 the sanitary personnel retained by the enemy will not be exposed to death in the future. An unfortunate inci-

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<sup>1</sup>Leon Lefort, *Service de Sante dans les armées nouvelles, dans la Revue des Deux Mondes*, November, 1871, pp. 126, 127.

<sup>2</sup>According to the recommendation of Bluntschli, the moment of the return will not be delayed beyond measure and in the interval, the sanitary personnel will be hospitably treated. (Bluntschli, *Droit International Codifié*, article 588). Furthermore, The Convention of Geneva allows the belligerents full power in this respect to send back the persons composing the sanitary service of their army or to their country with the delay and following the itinerary compatible with military necessity, art. 12.

dent occurred June 9th, 1866, after the combat of Jicin, when some Austrian doctors, without means or subsistence were executed.<sup>1</sup> Article 13 of this convention provides as follows: "The enemy will secure to the personnel mentioned in article 9 (sanitary personnel), the same pay and allowances to which persons of the same grade in his own army are entitled.<sup>2</sup> An account is kept so that reimbursement may be made at the conclusion of peace.

(3) **Necessity for a distinctive brassard.** Inasmuch as the sanitary personnel is entitled to the protection already set out, they should fulfil the requirements of the personnel protected by the Convention of Geneva. The Red Cross<sup>3</sup> on a white background was selected as a distinctive sign. This cross and combination of colors was chosen in honor of Switzerland. The national emblem of that country was a white cross on a red background. Later, by the provisions of article 20, it was modified so that the Ottoman government might substitute the crescent for the cross because the Turkish soldiers objected to service under an emblem which they considered a token of the Christian religion. The Japanese government separated the two branches of the cross.<sup>4</sup> These distinctive signs must be worn to be protected, and, as previously stated in this chapter, care should be taken not to lose them or to permit them to be taken, as American soldiers did in one instance in the case of the captured sanitary personnel during the World War. Such taking of these distinguishing marks may cause considerable misunderstanding for the belligerent which holds this personnel may do so wrongfully but without knowledge of the superior officers that this personnel is held.

(4) **Abuses of authorized brassard.** Because the law-

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<sup>1</sup>du Payrat, p. 128, citing Loffler, **Das Preussische Militär Anitätswesen**, p. 73.

<sup>2</sup>du Payrat, p. 128, citing French regulations of March 21, 1893.

<sup>3</sup>Convention of Geneva, article 7.

<sup>4</sup>du Payrat, p. 129.

ful wearing of the authorized brassard guarantees certain protection to its wearers, its unauthorized use should be prohibited. Such abuses have happened. Under the pretence of searching for wounded some persons wearing the brassard without authority during the Franco-Prussian War despoiled the dead upon the battle fields. Dr. Leuder proposed in 1876 that there should be added to the Convention of Geneva an article providing for rigorous punishment. The brassards should be issued by the governments and written authority should accompany them.<sup>1</sup>

#### (5) Authority to wear brassard.

(a) **Generally.** To the personnel of the sanitary establishments should be added certain other persons who are in like manner entitled to immunity similar to that already described. Articles 9 and 10 of the Convention of Geneva provide that the personnel of the guard of the sanitary establishments and formations, and the personnel of the voluntary aid societies which are recognized and authorized by their governments for service with their armies, are entitled to the same protection as the regular sanitary personnel. Such persons must, however, observe the laws of war, wear a distinctive sign, and carry a certificate of identity, which requirements are even more important in their case than in the case of the regular sanitary personnel.

(b) **Special authority to wear brassard to charitable inhabitants.** Inhabitants of an invaded country who render aid to the wounded, and shelter them in their houses should not be made prisoners of war. The Convention of Geneva declares that the military authorities

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<sup>1</sup>Leon Lefort, *Service de Sante dans les armées nouvelles*, *Revue des deux mondes*, November 1, 1871, p. 124, 125 (Editor's note—Lefort's article gives an interesting account of the growth of these aid societies). du Payrat, p. 130, citing Leuder, *La Convention de Geneve au point de vue, historique, critique, et dogmatique*; Prussian ordinance 1870-71 on this point, Pradier-Fodere, *Traité de droit intern. public*, VII, p. 418, note 3; Decree of France, October 19, 1892, art. 10; *Convention of Geneva*, 1906, art. 20.

may appeal to the charitable zeal of the inhabitants for the purpose of inducing them to care for the sick and wounded of the armies (article 5). Such inhabitants may also enjoy special protection and certain immunities for their services of this nature, such as relief from sheltering hostile troops. The Japanese undertook to encourage the Chinese to help in this manner during the campaign of 1904-05 but the Chinese failed to respond,<sup>1</sup> and made no effort to relieve the wounded Japanese soldiers who had fallen in their midst. The laws of humanity entreat the inhabitants to render aid to such persons and the laws of war command that military commanders must make prisoners of war of the victims of the battlefield.<sup>2</sup>

(6) **Respect for sick and wounded, Convention of Geneva.** The Convention of Geneva, 1906, contains the declaration that military persons, and others, officially attached to the armies, who are sick or wounded, should be respected and cared for without distinction as to nationality by the belligerent into whose hands they fall. Many of the military regulations prescribe a severe penalty for persons who mutilate or despoil a wounded soldier. The French, Italian, and Spanish regulations provided for the death penalty if new wounds be inflicted in an effort to despoil a wounded soldier.<sup>3</sup> The American Instructions, 1863, article 71, contains similar provisions and regulations.

(7) **Legal status of wounded when captured.** The

<sup>1</sup>Ariga, p. 135; du Payrat, p. 131.

<sup>2</sup>du Payrat, p. 132, citing Doctor Leuder proposed the following: "The inhabitants of the country and all the persons not specially authorized will not be allowed to visit the field of battle during or immediately after the combat, without special permission from the commander. All contrary arrangements will be prevented by force and according to circumstances punished by military law. (*La Convention de Geneve au point de vue historique, critique et dogmatique.*) Such measures frighten the bandits from the battlefield but also decrease the charitable zeal of the inhabitants, for may not the latter be mistaken for bandits and killed without a hearing?

<sup>3</sup>du Payrat, p. 133, citing article 249, *French Code of Military Justice.*

legal status of the wounded was not definitely determined by the Convention of Geneva of 1864. Are they entitled to the treatment of prisoners of war? du Payrat cites the French regulations, 21 March 1893, which answers this question as follows: "The wounded or sick under control of the French armies receiving treatment in the ambulances, and the hospitals or collected upon the field of battle are prisoners of war." During the World War wounded who fell into the hands of the enemy were generally treated as prisoners of war. One German who was captured by the organization commanded by the author was treated in the author's dugout. Other wounded captives received as good treatment as the wounded of his own organization. The Rules of Land Warfare of the United States 1914, page 26, require that the general rules of International Law in respect to prisoners of war become applicable to them.<sup>1</sup>

(8) **Return of the permanently disabled.** The return of the sick or wounded, if incapable of service in an army, was advocated by Bluntschli (art. 591).<sup>2</sup> Article 6 of the *Convention of Geneva*, 1864, provided that those who are unfit for further military service be returned.

(9) **Care to avoid return of wounded who are possible combatants.** Physical disability should not assure the granting of liberty to return to the fatherland unless the degree thereof is such that no aid may be rendered

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<sup>1</sup>U. S. Manual, art. 107, 49, *Geneva Convention*, art. 2. Hague Con. V. art. XIII. Chap. IX. pars. 417-418 and 422.

<sup>2</sup>du Payrat, p. 134-5, citing Dr. Leuder who suggested the following to fulfil article 6 of the Convention of Geneva of 1864; "The soldiers, wounded and sick of the enemy will be collected and cared for by the enemy that captures them as well as its own wounded and sick. Those who become unfit for military duty have the right, after their seizure, and even before the end of the war, to demand that they be sent back to their homes under good escorts, and the others according to the principles in force for prisoners of war. Leuder, *Convention de Geneva*, etc. He seems to have hesitated to give to the wounded in the hands of the enemy the designations of prisoners of war. But the persons who drafted the *Convention of Geneva*, 1906, declared the sick and wounded and those who have recovered are prisoners of war (Article 2), and Article 3 provides for sending them back to their own country.

to the enemy belligerent. The inferior physique of private soldiers may be given greater weight than for officers. An artillery officer who has lost a limb may render services within a besieged place. If, therefore, a belligerent is not careful, undue leniency or sympathy may enable the wounded who are recipients of such generosity to return to their own armies, and help to prolong the struggle. In doubtful cases internment in a neutral country should be found a good substitute for release without any conditions attached.<sup>1</sup> Bluntschli stated that those who are capable of service may be sent back on the condition of not taking up arms for the duration of the war (art. 591).

b. **Hostages.**

(1) **Of peace.** Hostages come within the scope of the study of prisoners of war. In 1811, a French imperial decree of August 4th, provided, that hostages are prisoners of war, and the French regulations of March 21st, 1893, contained similar provisions. The custom of taking persons as hostages was more generally followed in ancient times because good faith was not so commonly observed as at present, and the persons so retained were used as a guarantee that the treaties of peace would be adhered to. Also, the allies exchanged hostages to strengthen their alliances. The usage was quite common at Rome. The word itself is derived from *hospitagium* meaning host, and indicates that a more humane treatment was expected of hostages than prisoners of war generally. The Romans demanded, after the Second Punic War, 100 young men from the aristocracy of Carthage as hostages. Julius Caesar, during the Gallic Wars, demanded after each success, hostages of the conquered tribes. The Middle Ages offer many examples of subjects delivered by the sovereign to guarantee the

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<sup>1</sup>du Payrat, p. 136-138 also Report to the Hague Conference, 1899, from the Sec. Commission, "Reports to the Hague Conference" p. 45; Hall, p. 416; Lawrence, p. 404-405; Edmonds and Oppenheim, art. 174; Baker and Crocker, Laws of Land Warfare, 1918, pp. 109-110 and references there cited.

engagements taken by the latter. John the Good of France allowed his son to be taken by the English as a guarantee.<sup>1</sup>

(2) **Of war.** Hostages of war were mentioned in the treaties of Campo-Formio (art. 21), of Amiens of 1802 (art. 2), of Paris, 1815, (art. 10). These hostages are demanded to guarantee the execution of certain agreements of purely military nature, such as capitulations, armistices, truces and suspensions of arms. These are for the purpose of assuring the exercise of the laws of requisition, of police in the occupation of the enemy territory, and to prevent particular hostile acts. Sometimes such hostages are sent voluntarily to the conqueror or but generally the latter demands them.<sup>2</sup> The *American Instructions*, 1863, art. 54-55, contain provisions for hostages.<sup>3</sup> The rules of Land Warfare (1914) by the United States indicate that hostages have been taken in recent wars for the following purposes: (1) To insure proper treatment of wounded and sick when left behind in hostile locations; (2) to protect the lives of prisoners of war and railroad officials who have fallen into the hands of irregular troops or whose lives have been threatened; (3) to protect lines of communication by placing them on engines of trains in occupied territory; (4) to insure compliance with requisitions and contributions. When a hostage is accepted he is treated as a prisoner of war. This practice was followed by Germany in France in 1871, and by England in South Africa during the Boer War.<sup>4</sup>

During the World War the Civil Section of the International Red Cross was asked many times to inter-

<sup>1</sup>du Payrat, pp. 138-139.

<sup>2</sup>du Payrat, p. 140 citing Abel Deroux, *Invasion of 1870-71 dans l'arrondissement de Saint Quentin*, p. 79; Mignard, *Invasion allemande en Bourgogne*, p. 257; Bray, *Occupation militaire*, p. 235; 1871; Bluntschli, *Droit International codifié*, art. 600, note 2; Loening, *Revue de droit international*, 1872, pp. 89-90; Leuder, *Handbuch von Holtzendorff*, t. IV, sec. 113.

<sup>3</sup>Sherman's *Memoirs*, Vol. I, pp. 380-381; Grant's *Memoirs*, p. 588; Spaight, *War rights on land*, pp. 466, 467; U. S. Manual, art. 387, 350.

<sup>4</sup>Rapport General Xth Conference, International de la Croix Rouge, Geneve, 30 Mars. 1921, p. 169-175.

vene in behalf of hostages who were imprisoned, interned, or deported and whose fate was often worse than the fate of other prisoners of war, generally speaking. A commission for hostages was established at Basle under the International Committee of the Red Cross. It was particularly helpful to the hostages of Alsace who were led into France, and it investigated more than 2,000 cases of this category alone, assisting men, women and children. A great number of the men were more than 60 years old and remained in captivity until the summer of 1918. Many were detained because they were in political life. This practice should be regulated or prevented by proper international agreement.<sup>1</sup>

c. **Deserters and refugees.** The Rules of Land Warfare (1914) of the United States prescribe that the determination of the status of captured troops is to be left to courts organized for the purpose. Summary executions are no longer contemplated under laws of war. The duty of an officer who has captives whose status is not readily determinable is to hold them, and leave the question of determination whether they are regulars, irregulars or deserters to competent authority.<sup>2</sup>

When deserters and refugees approach the outposts of a belligerent as they sometimes do, they should be permitted to surrender. Deserters may leave their ranks to avoid a further struggle, and flee from the dangers of war. Refugees sometimes leave their own army to fight against their compatriots. The former are negligent of their duties, and the latter are traitors if they fight against their own country. All are, however, considered as prisoners of war by the belligerent receiving them. They may be rejected if it is believed they are spies. If the deserters are captured by the troops of the belligerent from whose forces they deserted, severe punishment may be inflicted.<sup>3</sup> The *American Instructions*, 1863, art.

<sup>1</sup>Rapport General Xth Conference, International de la Croix Rouge, Geneve, 30 Mars. 1921, p. 169-175.

<sup>2</sup>U. S. Manual, p. 23; Oppenheim, *Land Warfare*, par. 37.

<sup>3</sup>du Payrat, p. 151, citing French Code of Military Justice, art. 238, which provides for death penalty.

48 provide that if the deserters from the American army fall into the hands of the United States government, whether by capture, or by being delivered up to the American army shall suffer death, (U. S. Manual, 1914, p. 23.) During the war between the United States and Mexico at the battle of San Pablo, a battalion of the Mexican troops was composed principally of deserters from the United States Army. Thirty-two who deserted after the beginning of the war were captured and executed. Others who deserted before the declaration of war, were flogged.<sup>1</sup> In a great war the number of refugees may be very large, and their care may require considerable time and the resources of the belligerents, as well as of the neutrals. Humanity dictates that they be cared for. They are often objects of pity rather than censure. During the World War there were many thousand of refugees, especially Russians. In their behalf the International Red Cross rendered valuable assistance. The American Red Cross alone supplied funds to the amount of 300,000 dollars, and the central committee at Washington, D. C., provided for an additional amount. The Russian refugees were scattered in the different countries of Europe and the reports indicate that the distribution was as follows: in Germany 300,000, of whom 65,000 were at Berlin and three of the camps sheltered 130 women and children and they were given daily 2 marks, 35, by the German government, which also looked after 400 refugees at Altengrabow and Wunsdorf; in England there were 15,000; in Austria there were 5,000; in Bulgaria there were 6,000. A large number were cared for by the American Red Cross Societies and the Franco-Russian Committee, the Central Committee of the Red Cross, and the International Union for the relief of infants. It is known that the following numbers of persons were in need of assistance: at Constanti-nople about 170,000; in France 150,000; in Estonia 7,106 men and women and 2,465 children; in Finland 3,953 men,

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<sup>1</sup>Oswandel, *Notes of the Mexican War*, pp. 471, 472.

4,762 women, 6,033 children; in Italy 20,000; in Lithuania 3,000; in Polonesia, 100,000; including 3,000 orphan children; in Sweden 1,000; in Tchechoslovakia, 5,000. The repatriation of such refugees was made as rapidly as possible. On December 25, 1920, the repatriation of the Russian refugees who were disembarked at Constantinople was as follows: civilians 26,608, military persons 70,498; hospitals 3,697, and others making a total of 131,227.<sup>1</sup>

d. **Spies and characteristics which identify them.** The laws of war do not guarantee to spies any consideration as prisoners of war, but from what has already been said it is clear that there may be some difficulty in determining in which category a captured person should be placed. The *American Instructions*, 1863, article 88 provided that one is considered a spy who secretly, in a disguise or under a false pretence, endeavors to obtain information for the purpose of communicating it to the enemy. If it be proved that one is a spy he may be hanged even if he was unsuccessful in obtaining forbidden information.<sup>2</sup> Accomplices of spies are punishable in like manner. Spies may perform their services from patriotic motives, as well as for pay. In any event, a person suspected of being a spy is entitled to his "day in court," and should not in the most flagrant case be punished by death until sentenced by a court-martial.<sup>3</sup> Upon returning to his own army even if he has completed an act of espionage, he ceases to be a spy until he undertakes another similar mission. If captured after the completion of such act of espionage, he is entitled to the treatment of a prisoner of war. The act in itself is not moral turpitude. Capital punishment is made the penal-

<sup>1</sup>Bulletin International de la croix Rouge, 15 January, 1921, pp. 39, 43.

<sup>2</sup>29 Regulations, Hague Convention, IV, 1907; from the Second Commission, Reports to the Hague Conferences, p. 146; art. 19, Declaration of Brussels; Institute, 1880, p. 31, 32; Halleck, p. 188; Vattel, liv. 3 ch. 10 sec. 179; Hall, p. 559, 560, 561; Holland, p. 47; Spaight, p. 202, 203, 214; Pillet, 472; Martens, t. II, sec. 274; Lawrence, War and Neutrality in the Far East, 2d. ed. pp. 83-92; Oppenheim, vol. 2, p. 197; Baker and Crocker, Laws of Land Warfare, pp. 218-222.

<sup>3</sup>Hague rules, art. 30.

ty because of the great danger to a belligerent. By inflicting the death penalty operations of spies are somewhat decreased. However, it seems that an adequate supply is always obtainable in spite of the severe penalty for the offense.

e. **War treason.** The offense of war treason is similar in some respects to espionage which we have just considered. Such acts, for example, consist of the communication of important news, and other information prejudicial to the invaders. The treatment of spies and not the treatment of prisoners of war is their fate.<sup>1</sup> According to the Rules of Land Warfare of the United States (1914, p. 131) some of the principal acts punishable as treasonable by belligerents in invaded territory when committed by the inhabitants, are espionage, supplying information to the enemy, damage to railways, war material, telegraph, or other means of communication; aiding prisoners of war to escape; conspiring against armed forces of the enemy or members thereof; inducing soldiers to serve as spies, to desert, or to surrender; bribing soldiers in the interest of the enemy; damage or alteration to military notices and sign posts in the interests of the enemy; fouling sources of water supply; concealing animals, vehicles, supplies and fuel in the interest of the enemy; knowingly aiding the advance or retirement of the enemy; circulating proclamations in the interests of the enemy. (Oppenheim, *Land Warfare*, par. 445.) The offense of Major André of the British army was war treason. During the Revolutionary War, 1780, General Arnold of the American Continental Army was in command at West Point, New York, and planned to desert the American forces and join the British. He opened negotiations with Sir Henry Clinton, the British commander, for the purpose of surrendering the West Point forces, and Major André was di-

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<sup>1</sup>du Payrat, pp. 152, 153, citing *Cede de justice militaire français*, art. 63, 64, 205, 206; *Kriegsbrauch im landskriege*, translation, Carpentier, p. 74.

rected by Sir Henry Clinton to make the final arrangements with Arnold. On the night of September 21, Arnold and André met outside the American lines. After having changed his uniform for plain clothing André undertook to pass the American lines. He had a passport under the name of John Anderson given him by General Arnold. He was captured, tried, convicted, and hanged. He was not seeking information and was not technically a spy according to article 29 of the Hague regulations and a conviction for espionage would not, if such a case should occur today, be justified, but it would be possible to convict for war treason.<sup>1</sup> In 1909, during the Russo-Japanese War, two Japanese, disguised in Chinese clothing, were caught in the attempt to destroy with dynamite a railway bridge in Manchuria in the rear of the Russian forces. They confessed that they were from the Japanese General Staff, and were shot. Their offense was not espionage but war treason.<sup>2</sup>

**f. Brigands.** Brigands pretending that they are regular troops sometimes run through the theatre of war and commit thefts, murders, and depredations of all kinds. Marauders follow the troops to despoil dead bodies and with a hypocritical cordiality, pretend to shelter the enemy soldiers under their own roofs. On the contrary, they assassinate their sleeping guests. All such persons obviously are not entitled to be treated as prisoners of war. They should be punished without mercy in accordance with the provisions of military law.<sup>3</sup>

**g. Prisoners of war who become traitors.** Only a few Americans who were prisoners of war during the World War were traitors so far as has been determined. Private Halas, 18th Inf., 1st U. S. Div., and Private Harry

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<sup>1</sup>Oppenheim, vol. 2, p. 199.

<sup>2</sup>Oppenheim, vol. 2, p. 315; Westlake, vol. 2, p. 90.

<sup>3</sup>Woolsey, **International law**, 5th Ed., p. 225. **American Instructions**, 1863, art. 82, provides that such persons acting without commissions, may be treated as highway robbers or pirates. See also Baker and Crocker, pp. 10, 25; du Payrat, p. 157.

Nicholoff, 23rd Inf., 2d U. S. Div. gave useful information to the enemy. Nicholoff's right name was Ninecheff, a Bulgarian by birth. After he tried unsuccessfully to enlist under his right name, he bought U. S. citizenship papers from a man named Nicholoff. Halas, an Austrian by birth, enlisted at Columbus, Ohio. He asked the German officers to return him to Austria for the information he had given them. Both these men confessed before a board of twelve non-commissioned officers that they had deserted to the Germans, and had given the enemy useful information. Another soldier named Sullivan was steward on a British boat which was sunk by the *Moewe*. Sullivan was trusted by the American captive, Sergeant Haleyburton, who was in charge of the American prisoners of war until Sullivan was detected, and his treacheries reported by Dr. Carl Hirsch of Rastatt. He had been giving information which he gathered in the camp to the German officers such as the censorship of letters and the checks on the German propaganda. This data was sworn to by Sergeant Edgar M. Haleyburton and also by Lieut. Robert B. McDowell, C'co. D. 102d U. S. Inf.<sup>1</sup>

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<sup>1</sup>Friend, John A., **Ex-prisoners of war association, prison notes and roster, World War, 1917-18.**

## CHAPTER III

### The Time, Place and Manner of Capture

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#### A. Circumstances of time.

1. **From beginning to end of war.** The moment nations are at war with one another prisoners of war may be taken and this right continues until an armistice or the end of the conflict. The laws of nations, however, recognize also a declaration of war preceding hostilities, and a treaty of peace terminating war. These principles were observed even in ancient times. The Romans required minute details in the declaration of war to observe the rights of *postliminium*, and the right to reduce captives to servitude. During the Middle Ages also the wars were preceded by a formal declaration. A delay of three days was prescribed before war might begin after the declaration was made. Failure to observe the rule rendered the responsible person guilty of treason or felony. It does not appear that Caesar observed the custom of formally declaring war when he crossed the Rubicon which separated Caesar's province of Gaul from Italy. By crossing it under arms he committed himself to a war with Pompey. Such a declaration was made in 1638, under Louis XIII before the war again Spain, and also in 1657, before the war between Sweden and Denmark. (Bynkershoek, *Questiones juris publici*, lib. 1. c. 16 du Payrat, pp. 158-160).

2. **Is a declaration of war necessary?** Little by little customs have changed. Travers Twiss was of the opin-

ion that a declaration of war, although an honorable usage, and no longer generally practical, is not essential. To make known one's intention is sufficient. (Travers Twiss, *Time of War*, p. 65; See also Calvo, *Droit Int. T. et P.*, p. 30 footnote with numerous references). Louis XIV began war and invaded the Palatinate without a declaration of war. Chili, in 1878, commenced its struggle against Peru and Bolivia without a declaration of war, and Japan, according to de Martens, took Russia by surprise in February 1904. (du Payrat, p. 158, 159, 160). The international conferences of the Hague 1907, relative to the opening of hostilities provide that war shall not begin between the nations signing the convention without previous notice in the form of a declaration of war. The existence of a state of war must be sent to the neutral powers without delay and shall not take effect in regard to them until after the receipt of a notification which may be sent by telegraphy. Germany invaded the neutral territory of Belgium without a formal declaration against Belgium during the World War. The only explanation for this invasion of Belgium by Germany was that imperative necessity left no other course open to her to carry out her warlike operations against France. This led to the criticism of Germany that she regarded her treaties as mere "scraps of paper."

**3. Status of enemy residing upon belligerent territory.** The outbreak of war often finds citizens on hostile territory. The Romans permitted such persons to be returned at the conclusion of peace or in time of war by the principle of postliminy. (*Digeste loi*, XLIX, liv. XV, *de captivis*.) Grotius later gave the same opinion. (Grotius, *Droit de la guerre*, liv, III chap. IX, Sec. IV). Kent said that a State has a right to treat as prisoners of war the persons under its power. (Kent, *Commentaries of American Law, Law of Nations*, Book I, Sec. 56). Vattel, on the contrary, maintained that the sovereign who declares war should not retain the subjects of the enemy who are within the State at the declaration of war, but

merely their effects. Having taken up their residence in good faith should they not be returned? (*Vattel, Droit des gens*, liv. III, chap. IV, sec. 63. *du Payrat*, pp. 161, 162). If their presence upon such territory causes unrest, they should be permitted to withdraw after a certain delay and on condition that if they remain after such time they will be treated as enemies. This delay has been provided for in some instances by the fundamental laws of States, as, for example, England. Article 41 of the Great Charter (*Magna Carta*), 1215, contained a provision permitting the arrest of foreign merchants in case of war, and also the seizure of their goods without damage thereto until it could be ascertained what treatment the enemy sovereign had accorded to English subjects. Edward III was more generous and accorded in 1353 by the statute of the staple, (27 Edw. III C. 17), a delay of 40 days to the foreign merchants to leave the kingdom. In 1242, Saint Louis of France caused the arrest of English merchants a short time prior to the victory of Taillebourg. Charles V published an ordinance declaring that the foreign merchants trading with France had the right to depart freely with their effects. Louis XI negotiated with the Hanseatic League in 1483 and accorded to those affiliated in the league a sojourn of one year in France after the beginning of war.

In 1798, the president of the United States, John Adams, accorded a delay to the French subjects to enable them to attend to the affairs before leaving the United States. (*Calvo, Droit. intern.* Vol. II, p. 36, sec. 719, and numerous reference in footnote). In 1829 the Spanish government declared Cadiz a free port and decided that in the event of war the merchants established there should not be considered as enemy subjects but that they should be granted a delay to enable them to prepare a leave. (*Calvo, Droit. intern.* Vol. II, p. 37, sec. 719). Napoleon declared that all Englishmen traveling in France at the outbreak of war were prisoners of war. Public opinion was so strongly opposed to this declaration that it was announced for the purpose of allaying

resentment that this regulation applied only to British subjects between the ages of 18 and 60 years of age, who were serving in the militia or who held a commission to serve their government in case of war. Such foreigners were not to be interned but held merely as prisoners upon parole in different places. Spanish vessels in the United States at the outbreak of the war with Spain April 21, 1898, but which sailed prior to the President's proclamation of April 26, 1898, were exempt as well as their cargoes. (*The Buena Ventura v. U. S.* 175 U. S. 384; 20 S. C. 148; 44 L. Ed. 206, reversing 87 Fed. 927). A vessel sailing from one enemy port to another is exempt from capture. (*The Guido*, 175 U. S. 382, 20 S. Ct. 152, 44 L. Ed. 206; *The Maria Dolores* 88 Fed. 548; *The Rita* 87 Fed. 926). A vessel bound from a neutral to an enemy port is not exempt. (*The Rita*, 87 Fed. 925; *Johnson v Twenty one Bales*, 13 Fedcases no 7, 417). A vessel overstaying the time allowed for leaving is liable to capture although her delay is a result of an accident. (*Prize cases*, 2 Black. U. S. 635, 17 L. Ed. 459). A neutral merchant carrying on trade in a belligerent country is allowed a reasonable time for transferring himself and property to another country, and upon failure to do this, is to be treated as a citizen or subject of the country where he is. (*The Gerasimo*, 11 Moore P. C. 88, 5 Wkly Rep. 450, 14 Eng. Reprint 628).

**4. Uniformity assured by treaties.** To assure a proper delay treaties should be made in time of peace or an international agreement by the several nations. Such treaties may take up the time allowed to depart, and the property to be removed. The Treaty of Commerce and Friendship between France and the United States which was made at Paris, February 6th, 1778, contained such a provision. (De Clercq, *Recueil des traites de la France*, t. XV, 101-108, Art. 22, which agreement permitted a delay of six months and provided for payment for damage to their property. du Payrat, pp. 166, 167.) Similar provisions may be found in the treaties between France and

Russia, January 11, 1787; between France and Honduras, art. 45, treaty of Navigation and Commerce; between France and Nicaragua April 11, 1859; between France and Salvador January 9th, 1858; (De Clercq, *Recueil des traites de la France*, t. I, pp. 171-187, du Payrat, p. 167) and between the United States and Prussia, 1785, 1799, 1828. An effort was made to obtain the approval of an agreement relating to the hostile merchant vessels at the beginning of hostilities at the Hague Convention 1907 but the United States, Germany, and Great Britain did not sign the agreement. The agreement contained six articles setting out in detail the days of grace allowed for those who know of the outbreak of war, and time granted those on the high seas who knew nothing of the war before leaving, disposition of cargoes, and provided that the vessels that might be converted into warships should not be included. (Malloy, *Treaties, Conventions, between the United States and Other Powers*, 2386; Also 40 *Cyclopedia of Law and Procedure* 344; Also Lawrence, T. J., *War and Neutrality*, p. 50-52).

**5. Treatment of foreigners failing to leave after prescribed delay.** Foreigners who fail to leave an enemy country after the outbreak of war within the prescribed time may be expelled by force. Such persons who are subjected to military obligations in their own country may be interned as prisoners of war. Since military service has been made compulsory in many countries this class of persons has increased in numbers. The Regulations, Hague Convention, have not dealt with this point satisfactorily. The latitude that is accorded a State should be thoroughly understood to prevent the retention of persons who should be allowed to return to their own country. Since the beginning of the XIX century the custom has prevailed to permit a delay to enable enemy subjects to leave the territory of another belligerent. (Calvo, *Droit intern.* liv. II, sec. 719; see also Twiss, Travers, *Le droit des gens*, sec. 50, p. 93.) If there is evidence to show that the return of certain persons to

the enemy's country will disclose to the enemy valuable information, or cause disturbances in the transport service, they may be retained.

In conclusion, therefore, as to time, persons may be taken prisoners of war only if a state of war exists, and only after a declaration of war or an invasion without a declaration. During the suspension of hostilities, such as truces, or at a certain place where the opposing forces make agreements for a temporary cessation of hostilities to bury the dead or to care for the wounded, the right to take captives ceases. After the conclusion of an armistice, persons may be taken prisoners of war until the notification of the military convention. This was provided for in the convention of the armistice signed at Versailles the 28th January, 1871, between France and Germany. (De Clercq, *Recueil des traites de la France*, t. X, pp. 410-412.) When information was communicated slowly, battles were occasionally fought after the formal conclusion of peace. The battle of New Orleans in the war of 1812 between the United States and England was so fought. Also, on the high seas vessels, which do not have wireless apparatus, may continue to pursue their warlike activities after war has officially ended.

#### B. Circumstance of place.

1. **Wherever arms may be borne without violation of neutrality.** Wherever persons may bear arms without violating neutrality persons may be taken prisoners of war. The principle of exempting neutral territory from all warlike operations is comparatively recent. Combatants in a neutral territory at the beginning of war remain there until the end of the war as *interned in a neutral country*. The following countries have been declared neutral: Belgium, the Grand Duchy of Luxembourg, and Switzerland. Judging from the action of Germany when she invaded Belgium at the outbreak of the World War, it is doubtful if this neutrality will be observed uniformly. A study of the Russo-Japanese war should be

made concerning neutrality. (Lawrence, *War and Neutrality in the Far East*. Chap. XI, *Korean neutrality* pp. 269-283, also pp. 76-78; du Payrat, p. 173.)

### C. Circumstances of manner.

**1. Reasonable precautions and courage to prevent capture.** Courage, and patriotism should arouse in a soldier a spirit to avoid capture. Often the orders for the front line American troops during the World War were to hold their positions at any cost. This meant that the soldiers were to hold their positions or to die in the attempt to hold them. The French Chasseurs (known as *Blue Devils* because they wore blue uniforms and fought ferociously) were taught that it was better to die fighting than to be taken prisoners of war. They instructed the American troops that they could not depend upon the German signal to surrender and warned them of German treachery. They tried to inculcate in the Americans that they, also, should die fighting, but never surrender and use great caution in taking captives. How well they learned their lesson may be inferred from the fact that only 151 soldiers of the First U. S. Division were captured, although this division was in nearly all the combats of the World War, and took many prisoners of war from the shock troops of the armies which opposed them.

(a) **The Alamo.** In the first Mexican War in which the Texans were struggling for their independence a stubborn defense was offered by the Texans against a much superior force of Mexicans under General Santa Anna. Of the small band six surrendered after a promise had been made that their lives would be spared. One of those who surrendered, David Crockett, was stabbed many times. Bowie was also killed. The bodies of the Texans who were killed were collected, mutilated, and burned. A woman, a child and a servant escaped. After this the Texan soldiers could be aroused to vigorous

action by the mention of the *ALAMO* where this struggle took place.<sup>1</sup>

**2. Sergeant York tells of his captures.** Whether or not Sergeant York of the American forces was instructed by the chasseurs is not known but he at least demonstrated that the spirit of "do or die" burned within his breast. The following account taken from his personal diary is given to show what a soldier may do before surrendering. "On the 7th day of October we lay in some little holes on the roadside all day. That night we went out and stayed a little while and came back to our holes, the shells bursting all around us. I saw men just blown up by the big German shells which were bursting all around us. So the order came for us to take Hill 223 and 240 the 8th. So the morning of the 8th just before daylight, we started for the hill at Chatel Chehery. Before we got there it got light and the Germans sent over a heavy barrage and also gas and we put on our gas-masks and just pressed right on through those shells and got to the top of the Hill 223 where we were to start over at 6:10 A. M. They were to give us a barrage. So we started over the top at 6:10 A. M. and the Germans were putting their machine guns to working all over the hill in front of us and on our left and right. I was in support and I could see my pals getting picked off until it almost looked like there was none left. So 17 of us boys were around on the left flank to see if we couldn't put those guns out of action. So when we went around and fell in behind those guns we first saw two Germans with Red Cross bands on their arms. Some one of the boys shot at them and they ran back to our right. So we all ran after them, and when we jumped across a little stream of water that was there, there were about 15 or 20 Germans jumped up and threw up their hands and said 'Comrade.' The one in charge of us boys told us not to shoot, they were going to give up anyway. By

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<sup>1</sup>Harper's Encyclopedia, United States History, vol. I, p. 78.

this time the Germans from on the hill was shooting at me. Well, I was giving them the best I had. The Germans had got their machine guns turned around. They killed six and wounded 3. That just left 8 and then we got into it right. So we had a hard battle for a little while. I got hold of a German major and he told me if I wouldn't kill any more of them he would make them quit firing. So I told him all right. If he would do it now. So he blew a little whistle and they quit shooting and came down and gave up. I had about 80 or 90 Germans there. They disarmed and we had another line of Germans to go through to get out. So I called for my men and one answered me from behind a big oak tree and the other men were on my right in the brush. So I said, 'Let's get these Germans out of here.' One of my men said, 'It is impossible.' So I said, 'No, let's get them out of here.' When my men said that this German major said, 'How many have you got?' And I said, 'I got a plenty,' and pointed my pistol at him all the time. In this battle I was using a rifle or a 45 colt automatic pistol. So I lined the Germans up in a line of twos and I got between the ones in front and I had the German major before me. So I marched them right straight into those other machine guns, and I got them. When I got back to my Major's P. C. (post of command) I had 132 prisoners. So you can see here in this case of mine where God helped me out. I had been living for God and working in church work sometime before I came into the army. I am a witness to the fact that God did help me out of that hard battle for the bushes were shot off all around me and I never got a scratch. So you can see that God will be with you if you will only trust Him, and I say He did save me." (*Literary Digest*, May 13, 1922, p. 42). This plain story, so simply recorded, will always be an inspiration to American soldiers to perform similar acts of bravery, and to keep at a low percentage the number of Americans taken prisoners of war.

3. **Whittlesley's troops resist stubbornly.** The story of the bravery of Lieut. Colonel Whittlesley and his troops during the World War and their refusal to be taken prisoners of war can be best related, perhaps, by quoting the official citation as follows: "Although cut off for five days from the remainder of this division, Major Whittlesley (later lieut. col.) maintained the position which he had reached under orders for an advance and held his command, originally consisting of 463 officers and men, \* \* \* together in the face of superior numbers during the five days. Major Whittlesley and his command were thus cut off and no rations or other supplies reached him in spite of determined efforts which were made by the division. On the fourth day Major Whittlesley received from the enemy a written proposition to surrender which he treated with contempt, although he was at that time out of rations and had suffered a loss of about fifty per cent. of his command and was surrounded by the enemy. (Moore, *U. S. Official pictures of world war*, p. 30).

4. **First Division takes prisoners of war with only few losses.** The standard set by Whittlesley and his men is a high one which we cannot expect all American troops to attain but when the American soldier is fighting for a cause which he believes is right and under competent leaders it may always be expected that the deeds of Whittlesley, York, and many others of similar type too numerous to mention here, will inspire others to do likewise. It seems fitting before considering another point, however, to mention the fighting of larger bodies of American troops during the war and the author selects for an example the First American Division not because others did not fight as well but because he knows of the fighting of that division on account of his service with these troops. One report of General Fox Connor concerning its fighting in the *Aisne-Marne* engagement was substantially as follows: The First Division, by constant attacks throughout four days and nights, had broken through the intrenchments in the German pivot (near

*Soissons* July 18-23) to the depth of 11 kilometers, had captured 68 field guns and quantities of other material, in addition to 3500 *prisoners of war* taken from seven separate German divisions which had been thrown against the First United States Division in a desperate effort to hold ground which was essential to his retaining the Marne salient. (Moore, U. S. *Official pictures of World War*, p. 124, report by General Fox Connor.) Although this Division captured 3,500 prisoners of war in this battle alone, there were only 151 of its soldiers captured during the entire war and it participated in other engagements including the defensive engagement of Montdidier-Noyon, June 1918, St. Mihiel, September 12, 1918, and the Meuse-Argonne, September 26, Nov. 11, 1918, and numerous trench sectors.

**5. Thirty-Seventh Division's captives in Belgium, 1918.** The service of the 37th U. S. Division is related here also to show what American soldiers can accomplish, without losing many of their numbers as prisoners of war, and also on account of the author's personal knowledge of its fighting in Belgium, where he commanded the assault battalion of the 145th U. S. Infantry, which forced the crossing of the Escaut (Scheldt) river November 2nd-3rd, 1918. The drive was begun October 1, at Olsene, Belgium, east of the Lys river. Shortly after the attack began a message was received from Lieutenant Erb to the effect that he had taken 45 prisoners of war. The final objective, the Escaut river, was reached November 1. A crossing was forced under heavy fire of the enemy from the commanding position east of the Escaut. Sergeant Trew, Corporal John Friel, and Corporal Mzik swam across the river. A fallen tree was placed across by a detachment of soldiers from Co. K, 145th Infantry under command of Lieutenant Beard. These were gradually reinforced during the day and at nightfall the entire third battalion of the 145th Infantry crossed reinforced by three machine gun companies. This position was held and on the 4th of November the enemy counterattacked about dusk. Two men of the third bat-

talion of the 145th Infantry were captured in the advanced posts, and none of the enemy was captured. The attacking troops usually take nearly all of the captives. Revengefully the enemy planes flew over the disputed river, dropped their bombs and, turning on end, sent showers of machine gun bullets into the water during the crossing and also during the counterattack November 4th.<sup>1</sup> The 37th division was relieved Nov. 4-5th, and marched back proudly for they were the first and only troops to cross and establish a bridgehead over the Escaut river in that attack. They had met troops considered the elite of the German army. Among the prisoners of war captured by them were soldiers of the 6th and 7th German Guard Infantry Regiments.

	Enlisted		
	Officers	Men	Total
Total prisoners of war captured			
less wounded	12	316	328
Wounded taken prisoners of war			38
			366

Total advance: 14.56 kilometers.

#### Casualties of 37th Division:

	Killed	Wounded	Missing	Total
Officers	4	33	0	37
Enlisted Men	218	1223	134	1575
				1612

<sup>1</sup>While the author who commanded the 3rd battalion, 145th Infantry, was lying wounded in the battalion aid station near the Escaut river, Belgium, after the counter attack Nov. 4, 1918, a messenger from headquarters entered the aid station, called for Major Fooks, and said "the general wants to know about the barrage." The battalion surgeon Captain George A. Hettler assisted Major Fooks to a chair, and he wrote the following message: "The signals didn't go up very far and doubt if artillery could see it. I gave orders to have the line reestablished on the support line. The guns of machine (gun companies) were in position ready to fire and the men were ready to repel (enemy) and I know the men are there to fight to the last if necessary but believe they will not do any more. I was wounded while on the river bank checking to see that everyone was at his post ready to fire and was hit by a machine gun bullet. I stayed until things cleared up and ordered the men to advance to the edge of the willow brush. I didn't hear the friendly barrage but understand it came all right."

The following order shows the official report of the work of the 37th Division on this occasion:

“Headquarters, 9 November 1918

“30th C. A.—Etat-Major  
3rd Bureau-Nn. 250/3

Order No. 57

Upon the occasion of the relief of the 37th Division from duty with the 30th C. A., the Commanding General of this Corps takes pleasure in expressing his entire satisfaction with the energy, the bravery and the fighting which took place between October 31st and November 4th, 1918.

After having overcome the enemy's resistance the Division made a vigorous pursuit; then, after having been the first Division to force a passage of the Escaut (Scheldt) River it established bridgeheads on the right bank of the river which it held in spite of repeated counterattacks launched by the enemy.

The General in command of the 30th Army Corps:  
H. Penet.”

**6. The twilight zone (to surrender or not to surrender).** In war, as elsewhere, there are often circumstances under which it is difficult to determine one's duty exactly. With troops in combat this decision must be made under the most trying conditions. It has been said herein that many of the troops of the World War were instructed that it was better to die fighting than to be captured. This is, however, an idealistic view of a soldier's standard of bravery. By way of illustration the action of some French troops who did not measure up to this standard is here related. Lieutenant Herduin commanded a company of infantry before Verdun in the terrific fighting of June 1916. The line was pierced to his right. His flank was threatened. The enemy worked around and was behind his company which was reduced to 19 men. The French artillery being convinced that the po-

sition was lost began bombarding the survivors. What should Herduin do? Sacrifice his men without profit for the operations? Surrender? Or endeavor to save his men (with whom he had fought against enormous odds for five days) by finding a way back to Verdun? Lieutenant Herduin decided that the third course was the most reasonable and the most humane also, and having obtained a safe conduct from the Two Hundred and Ninety-Third Regiment, the nearest unit with which he could get in touch, picked his way across the battlefield to *Verdun*, where he reported to the major in command of the Anthouars Barracks, accompanied by his junior officer Milan with their few surviving men with them. Two days afterwards the two officers and their men proceeded to the regimental headquarters at Fleurn. An amazing order had preceded them—"Shoot the two officers!" signed by the general commanding the brigade. Herduin was dumbfounded. Had he not done his duty? So satisfied was he that he had done his duty that he had written his wife saying he expected to obtain a short leave. "Our division is smashed," he wrote, "our regiment annihilated. I have just lived five terrible days, confronted with death at every minute. I will tell you all about it later. Four days without food or water."

"You are not going to shoot us like that. Let me have an explanation with the general," protested Herduin to the headquarters officers. At the same time he sent a letter to the colonel of the regiment. The latter refused to read it, but sent the curt reply: "No observations! Immediate execution!"

The technical crime of which the officer was accused was quitting his post of duty while engaged with the enemy. Individual *initiative* even when it resulted in the saving of the lives of his men of proven heroism was not recognized. So the sentence was executed. Herduin himself commanded the firing squad, crying first, "I die a brave man!" then commanding the firing squad without a tremor "Aim well! Fire!" Ten minutes afterward an order came for the suspension of the execution!

A doubt had arisen in the minds of the military chiefs responsible. Too late!

The following is the letter that Herduin had written to his wife. "My dear wife, my adored one: We have, as I told you, suffered a severe reverse. The whole of my battalion had been captured by the Boches, with the exception of myself and a handful of men. And now I am reproached for getting away. I was wrong not to let myself be taken prisoner also. Colonel Bernard considers us as cowards, as if 30 or 40 men would hold their ground like 800.

"Well, Fate is against me. I am not ashamed. My comrades who know me, know that I am not a coward. On the eve of death, my darling Fernande, I am thinking of you and my little Luc. Ask for a pension. You are entitled to it. My conscience is serene. I will die commanding the firing squad in front of my men who weep for me."

The widow weeping pleaded before the Minister of Justice and he exclaimed angrily: "It is a lie! No Frenchman could have done that!" But the French archives supported her contention. (Barbusse, Henry, *Crimes of courts-martial*, *The Sun*, Balto. Oct. 21, 1923).

#### 7. High standard set by American arms.

a. **Above and beyond the call of duty.** During the World War there were occasions for the display of courage above and beyond the call of duty as has already been pointed out to some extent. As a goal which the personnel of future American combat troops should endeavor to attain, the daring deeds of some of the American soldiers of that war are here set forth.

##### (1) Tactics employed.

###### (a) Flank approach.

(I) **Leaving men in front, and working way around.** "Samuel Woodfill, first lieutenant, 60th Infantry, was cited for conspicuous gallantry and intrepidity above and

beyond the call of duty in action with the enemy at Cunel, France, October 12, 1918. While he was leading his company against the enemy his line came under heavy machine-gun fire, which threatened to hold up the advance. Followed by two soldiers at 25 yards, this officer went out ahead of his first line toward a machine-gun nest and worked his way around its flank, leaving the two soldiers in front. When he got within 10 yards of the gun it ceased firing, and four of the enemy appeared, three of whom were shot by Lieut. *Woodfill*. The fourth, an officer, rushed at Lieut. *Woodfill*, who attempted to club the officer with his rifle. After a hand-to-hand struggle, Lieut. *Woodfill* killed the officer with his pistol. His company thereupon continued to advance until shortly afterwards another machine-gun nest was encountered. Calling on his men to follow, Lieut. *Woodfill* rushed ahead of the line in the face of heavy fire from the nest, and when several of the enemy appeared above the nest he shot them, capturing three other members of the crew and silencing the gun. A few minutes later this officer for the third time demonstrated conspicuous daring by charging another machine-gun position, killing five men in one machine-gun pit with his rifle. He then drew his revolver and started to jump into the pit when the two other gunners only a few yards away turned their gun on him. Failing to kill them with his revolver, he grabbed a pick lying near by and killed both of them. Inspired by the exceptional courage displayed by this officer, his men pressed on to the objective under severe shell and machine-gun fire."

Lieutenant Woodfill was designed as the bravest of the brave by General Pershing and was chosen to be present at the dedication of the memorial at Arlington to the unknown soldier. Not many persons will ever be spared their lives long enough to continue an attack like Lieutenant Woodfill. His daring deeds, however, are an ideal exemplification of the principle of tactics that it is better to attack than to retreat, and that to withdraw under fire is suicidal. With a determination such as pos-

sessed Lieutenant Woodfill aggressive action gives a momentary advantage over the enemy who undertakes to plan a counter-offensive and enables one to accomplish apparently impossible deeds of valor.

(II) **Working way to enemy's rear.** Other deeds involving similar daring occurred. That of first sergeant *Johannes S. Anderson*, Company B, 132d Infantry is an example: He was cited "For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy at Consovoye, France, October 8, 1918. While his company was being held up by intense artillery and machine-gun fire, Sergt. *Anderson*, without aid, voluntarily left the company and worked his way to the rear of the nest that was offering the most stubborn resistance. His advance was made through an open area and under constant hostile fire, but the mission was successfully accomplished, and he not only silenced the gun and captured it, but also brought back 23 prisoners." (General orders, no. 16, War department, Washington, January 22, 1919).

In this act of Sergeant Anderson there is set forth the proper tactical method of attacking a machine-gun nest, that is, *working one's way to the rear of the nest*.

(III) **Crawling to flank position.** *Berger Loman*, private, Company H, 132d Infantry, was cited for "conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy near Consovoye, France, October 9, 1918. When his company had reached a point within 100 yards of its objective, to which it was advancing under terrific machine-gun fire, Pvt. *Loman*, voluntarily and unaided, made his way forward, after all others had taken shelter from the direct fire of an enemy machine gun. He crawled to a flank position of the gun and after killing or capturing the entire crew, turned the machine gun on the retreating enemy." (General orders, no. 16, War department, Washington, January 22, 1919).

(b) **By direct attack.** Although the proper tactical method is set forth above, it is not always possible to work one's way around a machine-gun nest for the latter may open fire by surprise when the attackers are nearby making immediate action necessary, or there may be so many of the nests that to undertake to work around one will bring the attacker face to face with another machine-gun nest. The method of attacking by direct approach is shown in the act of Sergeant Gumpertz, Seibert, Privates Kelly and Slack.

(I) **After comrades disabled.** Sergeant Gumpertz's act is set forth in general orders as follows. "*Sydney G. Gumpertz, first sergeant, Company E, 132d Infantry. For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy in the Bois de Forges, France, September 26, 1918.* When the advancing line was held up by machine-gun fire, Sergeant *Gumpertz* left the platoon of which he was in command and started with two other soldiers through a heavy barrage toward the machine-gun nest. His two companions soon became casualties from bursting shell, but Sergt. *Gumpertz* continued on alone in the face of direct fire from the machine-gun, jumped into the nest and silenced the gun, capturing nine of the crew."

(II) **Attacking machine-gun nest with grenades.** *John Joseph Kelly, private, 78th Company, 6th Regiment, United States Marine Corps, was cited "For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy at Blanc Mont Ridge, France, October 3, 1918. Pvt. Kelly ran through our own barrage 100 yards in advance of the front line and attacked an enemy machine-gun nest, killed the gunner with a grenade, shooting another member of the crew with his pistol, and returned through the barrage with eight prisoners. (General orders, no. 16, War Department, Washington, Jan. 22, 1918).*

(III) **Rushing machine-gun nest with rifle.** Clayton K. Slack, Company D, 124th Machine Gun Battalion, was cited "For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy near Consevoye, France, October 8, 1918. Observing German soldiers under cover 50 yards away on the left flank, Pvt. Slack, upon his own initiative, rushed them with his rifle and, singlehanded, captured 10 prisoners and 2 heavy-type machine guns, thus saving his company and neighboring organizations from heavy casualties."

"*Nels Wold*, private, company I, 138th Infantry, was cited "For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy near Cheppy, France, September 26, 1918. He rendered most gallant service in aiding the advance of his company, which had been held up by machine-gun nests, advancing, with one other soldier, and silencing the guns; bringing with him, upon his return, 11 prisoners. Later the same day he jumped from a trench and rescued a comrade who was about to be shot by a German officer, killing the officer during the exploit. His actions were entirely voluntary, and it was while attempting to rush a fifth machine-gun nest that he was killed. The advance of his company was mainly due to his great courage and devotion to duty." (General orders, no. 16, War Department, Washington, January 22, 1919).

(IV) **Creeping up with pistol and rifle.** The method employed by Lieutenant Dozier near Montrehain, France, October 8, 1918 while in command of two platoons, was as follows: "Painfully wounded in the shoulder early in the attack, but he continued to lead his men, displaying the highest bravery and skill. When his command was held up by heavy machine-gun fire he disposed his men in the best cover available and with a soldier continued forward to attack a machine-gun nest. Creeping up to the position in the face of intense fire, he killed the entire crew with hand grenades and his pistol and

a little later captured a number of Germans, who had taken refuge in a dugout nearby."

(V) **Using hand grenades and pistol.** Sergeant Foster advanced as follows: "When his company was held up by violent machine-gun fire from a sunken road Sergt. Foster, with an officer, went forward to attack the hostile machine-gun nests. The officer was wounded, but Sergt. Foster continued on alone in the face of heavy fire by effective use of hand grenades and his pistol killed several of the enemy and captured 18."

(VI) **Attacking machine-gun nest with rifle and pistol.** Sergeant Hilton's company was advancing through the village of Brancourt when it was held up by intense enfilading fire from a machine gun. "Discovering that this fire came from a machine-gun nest among shell holes at the edge of the town, Sergt. Hilton, accompanied by a few other soldiers, but well in advance of them, pressed on toward this position, firing with his rifle until his ammunition was exhausted, and then with his pistol killing 6 of the enemy and capturing 10. In the course of this daring exploit he received a wound from a bursting shell, which resulted in the loss of his arm."

(VII) **Crawling forward with hand grenades.** John C. Villepine, corporal, "having been sent out with two other soldiers to scout through the village of Vaux-digny, he met with strong resistance from enemy machine-gun fire, which killed one of his men and wounded the other. Continuing his advance without aid 500 yards in advance of his platoon and in the face of machine-gun and artillery fire, he encountered four of the enemy in a dugout, whom he attacked and killed with a hand grenade. Crawling forward to a point 150 yards in advance of his first encounter, he rushed a machine-gun nest, killing four and capturing six of the enemy and taking two light machine-guns. After being joined by his platoon he was severely wounded in the arm."

(VIII) **Swimming canal and establishing bridgehead.** While Captain Allworth's company "was crossing the Meuse River and canal at a bridgehead opposite Clery-le-Petit, the bridge over the canal was destroyed by shell fire and Capt. Allworth's command became separated, part of it being on the east bank of the canal and the remainder on the west bank. Seeing his advance units making slow headway up the steep slope ahead, this officer mounted the canal bank and called for his men to follow. Plunging in, he swam across the canal under fire from the enemy, followed by his men. Inspiring his men by his example of gallantry, he led them up the slope, joining his hardpressed platoons in front. By his personal leadership he forced the enemy back for more than a kilometer, overcoming machine-gun nests and capturing a hundred prisoners, whose number exceeded that of the men of his command. The exceptional courage and leadership displayed by Capt. Allsworth made possible the reestablishment of a bridgehead over the canal and the successful advance of other troops. (General orders, no. 16, War Department, Washington, January 22, 1919).

**8. Lone sentry not culpable if captured after being overpowered.** A sentinel who is overpowered by the enemy and captured after exercising due diligence has done all that should be expected of him. By way of illustration an incident that happened to a member of Company C, 16th U. S. Infantry, 1st Division, near Belle Assise farm, Montdidier, France, the latter part of May 1918, is here related. A German patrol had penetrated the line of outguards of that Company, and had seized a sentry of a listening post. The German sergeant-major in charge of the patrol desired the sentry to be taken alive and told the other German with him not to shoot the sentry although he had the pistol pointed towards the sentry's stomach. They started away with the sentry taking him by force. This sentry would have been entitled to the treatment of a prisoner of war if he had

wished to remain one, for the patrol had crept up and seized him under cover of darkness, but the sentry said he would rather have been killed than taken away by the Germans and therefore made an outcry. A nearby automatic rifleman commenced firing at the remainder of the German patrol and in the confusion the sentry tore away from his captors. One of his captors was wounded, and taken a captive by Company C. This serves again to show the fighting spirit of the American troops and their method of meeting squarely unexpected, dangerous, and difficult situations without hesitation or consideration for their personal safety. The German sergeant-major who was captured was taken to the author's dugout, who was a captain commanding Company C, 16th Infantry, at that time. This German captive was severely wounded having been shot in the shoulder, wounded in the back apparently with a hand grenade, and his ankle was sprained very badly. He asked for water and the first aid soldier of the Medical Corps gave him some water with some ammonia added for a stimulant. To relieve his pain the author cut the skin where a bullet was slightly protruding in the shoulder and removed the bullet. It was later reported that the captive promised to give all information he could to the intelligence officer if the latter would inform his mother of his capture, and injuries, and that he died soon after.

**9. Taking prisoners of war by surprise.** It is a principle of military tactics that defeat may be pardonable but that surprise is never excused. Surprise brought about as described in the case of the sentry in the last paragraph is an exception to the rule. Napoleon was nearly captured by surprise in the campaign of 1796.<sup>1</sup> During the Civil War of the United States, James Stuart, Chief of the Confederate Cavalry, in a raid with 12,000 cavalrymen, surprised the headquarters of General Pope, commander of a Federal army, and took his staff

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<sup>1</sup>du Payrat p. 178 citing General Thomas, *Les Capitulations*, p. 346; pp. 70-92; p. 375; pp. 371, 372.

officers prisoners of war. General Pope escaped but his correspondence was seized and sent to General Lee, thus giving the latter valuable information. A soldier should use all reasonable precautions to prevent being captured, and another illustration will repeat and emphasize this point. Marshall Ney, during the retreat from Russia, at the head of 4,000 men, half dead from fatigue, and cold, was surrounded at the Dneiper by 50,000 of the enemy. He was unable to obtain assistance and could have surrendered honorably, but, at nightfall, with his brave soldiers, he crossed the river, and escaped from the hostile troops who surrounded them.

**10. Capitulations whereby captives are taken.** Capitulations may contain terms for the surrender of soldiers as prisoners of war. Some capitulations contain what appears to be a superfluous provision stating that such captives will not be killed.<sup>1</sup> The capitulation of Port Arthur, article 1, contains the unusual provision that prisoners of war comprise not only the army and navy of Russia, including volunteers, but also all the functionaries of the government. The capitulations of Sedan (art. 2), of Metz (art. 4), of Strassbourg (art. 4), contained provisions that persons attached to the armies were included. Some capitulations exempt from captivity a part of the combatants, for example the capitulations of Verdun (art. 2), and of Soissons (art. 2) which exempted the national guard who lived in these villages before the declaration of war. (du Payrat p. 188, 189). Entire garrisons may be permitted their liberty on condition that they will not fight any more during a specified time. Such was the case of the garrison of Mayence in 1793, and of Laon in 1870. (du Payrat, p. 189). In brief, a combatant may be captured when he serves honestly and faithfully, if he is a victim of circumstances independent of his own will; if, in spite of courage and re-

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<sup>1</sup>du Payrat, p. 186, citing Capitulations of Franco-German war of Sedan, art. 1, of Strassbourg art. 3, of Soissons art. 2, of Metz art. 1, of Verdun art. 2, of Santiago art. 4, of Manila art. 5, of Port Arthur art. 1.

sistance, he is delivered into the hands of the enemy; if he is the member of a capture *en masse* for which the chief is responsible. It is excusable in the case last mentioned when the surrender is the result of a capitulation after the garrison of a fort or defensive position has resisted many deadly assaults in which the enemy has been successful.

#### D. Circumstances of making quarter.

**1. Derivation of word quarter.** May a victorious belligerent refuse to take the conquered as prisoners of War? The refusal to make quarter is the name applied to such treatment to the captives. The word quarter used in this sense was probably derived from the convention at which the Spaniards and the people of Holland, in a war of the XVIth century made a regulation that they would spare the life of prisoners of war by the payment of a ransom equal to one quarter of their annual salary and that captives for whom no such payment should be made would be put to death. (du Payrat, p. 192). Little asserts that the term quarter signifies lodging or residence. (du Payrat, p. 192). Whatever the derivation of the word may be the application of the principle it stands for is a very rigorous measure.

**2. Cessation of resistance generally entitles soldiers to quarter.** As long as a soldier fights he may be killed. War is cruel and it is painful to see human blood ebbing away. When, therefore, a soldier sees his comrades falling around him and becomes isolated without ammunition on the field of battle, if he feels that he can do nothing to help defeat the enemy and casts aside his weapons to seek mercy at the hands of the enemy, should he not be made a prisoner of war?

**3. Heat of battle may prevent making quarter.** During the heat of the battle there is not much opportunity for sentiments of pity by one combatant towards his adversary. The soldier's training does not make him a

machine to such an extent that he is a passive weapon. The noise of battle, the sight of the dead and dying, the feeling of weariness after long hardships, may weaken his sense of fairness, and cause him to refuse to give quarter, and force his adversary to drink from the bitter cup of Death, even after he has asked for mercy by surrendering. At Eylau, the Russians, "gorged by the water of life", struggled with ferocity and struck their unarmed enemies.<sup>1</sup> At Wilna, during the retreat of the French from Russia, the unarmed French soldiers with feet and hands frozen were pierced by the Russian sabres and the latter trampled their victims beneath the feet of their horses.<sup>2</sup> At Krasnoe, some Russians in a farm house wished to surrender. The French soldiers did not hear the command to cease firing, or did not, if they heard it, obey. The Russians were all killed either by the Frenchmen or the burning building.<sup>3</sup> In the War between Texas and Mexico 1846-48, at the Alamo, quarter was given only to a few by the victorious Mexicans. And history has repeated itself since that time. During the World War such excesses were committed if statements made by eyewitnesses to the author be reliable.

**4. Signs of surrender.** Lack of sufficient universal signs of surrender causes misunderstandings and failure to make quarter. During the Russo-Japanese war useless casualties occurred for such reason. On June 15, 1904, in the battle of Telis-se about thirty Russians were in a house when its roof caught fire. One Russian ran out suddenly unarmed. The Japanese thought the latter wished to surrender and approached the building but was fired upon by another Russian and wounded. A few minutes later another unarmed enemy came out of the building and this time it was for the purpose of surrendering. The roof was about to fall in on the soldiers

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<sup>1</sup>Marbot, *Mémoires*, I, page 349; du Payrat, p. 194.

<sup>2</sup>Sergeant Bourgogne, *Mémoires*, p. 232, compiled from the original manuscript by Paul Cottin.

<sup>3</sup>Sergeant Bourgogne, *Mémoires*, p. 93; du Payrat, p. 95.

within the building and they hoisted a white flag above the door, and gave the Russian signal with their hands "Come here" which signal meant "Go away" as used by the Japanese. The Russians stood still and waited while the Japanese undertook to approach them and to fire upon them. At another time two armies were upon the banks of the Cha-ho, and a Japanese soldier who was on sentry duty saw a Russian soldier throw himself toward him as if he wished to kiss him upon the cheek. The Japanese soldier was ignorant of this expression of sympathy and kept the Russian away with his bayonet. The latter fled but returned within a few minutes, and grasped, with effusion, the hand of the Japanese soldier who understood this time that he desired to surrender. (Ariga, p. 102; du Payrat, pp. 195-196). The signs generally used as the white flag, casting aside the arms while approaching the enemy, and during the World War the signal was given by raising the open hands above the head. It was reported to the author that this signal was abused by the Germans by carrying a small pistol sarcastically called the "Kamerad" pistol in the hand and firing with it after indicating a desire to surrender. (This incident related to author by Captain Phipps, 16 Infantry who saw a German officer kill an American soldier after the officer had surrendered by shooting him with a small pistol during the fighting in the second battle of the Marne near Soissons July 18-23, 1918.) That the use of the word Kamerad for a signal to surrender was abused in other ways is shown by the following citation of Lieutenant Schaffner for bravery during the World War: "In command of Co. K, 306 Infantry, he led his men in an attack on St. Hubert's Pavilion through terrific enemy machine-gun, rifle, and artillery fire and drove the enemy from a strongly held entrenched position after hand-to-hand fighting. \* \* \* The third counterattack (by the enemy) was initiated by the appearance of a small detachment advancing well in advance calling as they advanced, 'Kamerad!' When almost within reach of the American front line the enemy attacking wave

behind appeared, attacking vigorously with pistols, rifles, and hand grenades and causing heavy casualties in the American platoon holding the advanced position. Lieut. Schaffner mounted the parapet of the trench and used his pistol and grenades with great gallantry and effect, killing a number of enemy soldiers." He finally reached the enemy officer leading the attacking forces, a captain, shooting and mortally wounding the latter with his pistol. He then dragged the captured officer back to the Company's trench, securing from him valuable information as to the enemy's strength and position." (*Stars and Stripes*, April 14, 1923.) If this was a ruse it was near the border line between a ruse and treachery. Nevertheless quarter was given for captives where taken.

**5. The white flag.** Ariga states that there are several hypothesis in which an enemy may hoist the white flag and the conduct to be pursued in each case: "1. If a soldier hoists a white flag (he can use a handkerchief, etc.), indicating that he surrenders, make him a prisoner of war."

"2. During the bombardment of a fortress, although a particular fort hoist the white flag, there is no necessity to cease firing on that fort."

The U. S. Rules of Land Warfare, 1914, indicate that the white flag, when used by troops, indicates a desire to communicate with the enemy, and that it has no other significance in international law. If hoisted in action by individual soldiers, or a small party, it has come to signify surrender. (U. S. Manual, p. 72 & 60.) The rules concerning non-hostile communications between the hostile forces are usually comprised under the heading of parliamentaries, flags of truce, armistices, capitulations, passports, safeguards and cartels.

If any other signs of surrender than a white flag or laying down arms or having no longer means of defense are needed additional signs should be agreed upon so that all combatants may know them.

### 6. Good faith essential.

(a) **How indicated.** In all non-hostile communications good faith is absolutely essential. *American Instructions*, 1863, art. 16, provide that military necessity admits of deception, but disclaims acts of perfidy. Oppenheim in *Land Warfare*, page 140, 141, states that should it be found impossible to count on the loyalty of the adversary, there is grave danger of war degenerating into excesses and violence, to avoid which has been the aim of modern wars. (du Payrat, citing Rousset, *Scenes et episodes de la guerre de 1870-71*, p. 123.) The Hague Rules, XXIII, prohibit the wounding or killing treacherously individuals belonging to the hostile army or nation, or to kill or wound an enemy who, having laid down arms, or having no longer means of defense, has surrendered at discretion. The *American Instructions*, 1863, art. 101, provides that "while deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

In his address at the Cantigny dinner, May 28, 1924, at the Army and Navy club, Washington, D. C., in commemoration of the Cantigny battle of the World War, General Hanson E. Ely, who commanded the 28th Infantry of the First American Division told of what happened in connection with prisoners of war in that engagement. An inquiry was made why so few captives were being brought in. He was informed that some of the enemy had been captured, and one of the German officers after holding up his hands as a sign of surrender shot Lieutenant Haycock, the American officer in command of the captives, and killed him with a small pistol which he had concealed in his hand. After this the captors saw "red" and killed about 380 of the German captives. Before this engagement the enlisted personnel of

the 28th Infantry had signed a pledge among themselves not to be taken alive.

**7. Officers may diminish excesses by good example.** If the officers do not appear excited the soldiers will follow their example thus diminishing the excesses of the battlefield. At Bazeilles, Commandant Ambert, although he was barricaded in an isolated house with his soldiers, held in check an entire army corps. When the last cartridges had been fired he went out alone and unarmed with his breast bared to the German bayonets. Twenty of them surrounded him with cries of hate and fury. They had started to massacre him when a Bavarian by the name of Captain Lessingwold, threw himself in front of Ambert to protect him, thus saving Ambert by forming a rampart of his body.<sup>1</sup> After the charge of Rezonville, Chabert was surrounded after his horse had fallen, but was rescued from the German bayonets by a Prussian officer.<sup>2</sup> The examples of the officers will never entirely prevent excesses, although as has been shown they will diminish them. In storming a trench men's blood boils. All is turmoil and excitement. Many are cut down and bayoneted who wish to surrender because they cannot be segregated from those who continue to resist. When a long line of a trench or a large body of troops shows the signal to surrender, well disciplined troops will generally grant quarter even at the eleventh hour. At Elandslaagte, however, 90 Boers were surrounded by 300 calvarymen of the 5th lancers who massacred the helpless Boers after the latter had thrown down their arms, and their commander urged them on by crying out: "Kill the Burghers". But the Boers showed their vengeance by the reprisals at Ladysmith, the 19th of November, 1899. The same regiment of lancers fell into their hands, and of 600 men only five were spared by the Boers who said to them, "Go tell

<sup>1</sup>du Payrat, p. 198, citing Dick De Lonlay, **Francais et allemande**, II. p. 68.

<sup>2</sup>du Payrat, p. 199, citing Lieut. De Place, **Hisorique de 12th Curaissers**.

your people the fate of the massacred soldiers of Elands-laagte."<sup>1</sup>

**8. Conqueror's respect for the conquered in theory and practice.** To continue the struggle when it is clear that the enemy is helpless brings about useless butchery, which is repugnant and unworthy of modern civilization. Such is the opinion of many able writers.<sup>2</sup> Cicero said, "The conquered have a right to our respect as well as those who have surrendered themselves."<sup>3</sup>

Diodorus of Sicily<sup>4</sup> described the enmity that war aroused against Dionysius for the ruin of Selinus Acinera and the putting to death of the captives, crucifying and torturing them, and Zenophon<sup>5</sup> asserted that captives should be treated humanely. Sallust declared that the laws of war would not sanction the putting to death of the Numidians who surrendered during the struggle of Rome against Jugurtha.<sup>6</sup>

Grotius in considering this question indicates that there is a conflict between the Roman law and Christian magnanimity. Usually failure to observe the principle is a result of the fact that the conquered before being subdued, has committed some unusual offense against the conqueror. Vattel teaches that the life of the person who surrenders should be spared. And in dealing with a ferocious nation that does not make quarter, such nation may be chastized by the punishment inflicted upon the captives.<sup>7</sup>

**9. Safety of own command first consideration.** De Martens was of the opinion that when the armed persons

<sup>1</sup>Stowell and Munro, International cases, II: 205, 1916. N. Y. London Times, History of War in South Africa. II, 190, London, 1902; also du Payrat 198, 199.

<sup>2</sup>See Spaight, p. 91; Lawrence, p. 396; Lieber, art. 71; U. S. Manual, p. 58.

<sup>3</sup>De Officiis, I, 11.

<sup>4</sup>Diodorus of Sicily, L. XIII, Chap. XVI, translated by Booth.

<sup>5</sup>Agesilas, Chap. I, 21.

<sup>6</sup>Guerre de Jugurtha, XCI.

<sup>7</sup>Vattel, Droit des gens. T. III. VII, 140, 141.

put down their arms and demand quarter it should be granted except for purposes of retaliation or reprisal.<sup>1</sup> Dudley Field claimed that one should not refuse to make quarter for such persons except for purposes of reprisals or for crimes committed and duly adjudged against them.<sup>2</sup>

Holland states that, after a stubborn and prolonged siege, quarter may be dispensed with.<sup>3</sup> Pradier-Fodere does not approve such authority which permits slaying of a helpless enemy but admits that reasonable assurance should be required that the enemy is helpless.<sup>4</sup>

Bluntschli affirms that one may have legitimate reasons to refuse to make quarter,<sup>5</sup> if the enemy resorts to reprisals or when it is impossible to take the captives on account of inadequate forces. The *American Instructions*, 1863, sanction the putting to death of the captives, if it be found within three days after their capture that they belong to organizations which do not give quarter.<sup>6</sup> In the advance upon Sedan, just prior to the armistice, November 11, 1918, the 16th U. S. Infantry found it difficult to take all prisoners of war who ordinarily are entitled to such treatment because of the great mass of the enemy encountered and overcome.<sup>7</sup>

**10. Measures taken to avoid losses by enemy's feigning death.** During the Russo-Japanese war, the Russians found it expedient to issue an order prohibiting the making of quarter. The Japanese who had apparently been wounded, and for that reason left undisturbed by the Russians, would fire upon the Russians who had treated them with such consideration. The Japanese protested against this cold blooded order, claiming that

<sup>1</sup>G. DeRayneval, *Institute du droit de la nature et des gens*, liv. III. ch. VII. p. 5 # 2 De Martens. *Precis du droit des gens moderne de l'Europe*, liv. VII. ch. IV. 272.

<sup>2</sup>Project de code de droit intern. art. 756.

<sup>3</sup>Holland, *Laws and customs of war on land*, no. 58.

<sup>4</sup>P. Fodere, *Traite de diplomatie*, liv. VI, chap. IX.

<sup>5</sup>Bluntschli, *Droit intern. codifie*, art. 580.

<sup>6</sup>*American Instructions*, 1863, art. 66.

<sup>7</sup>Information received from Col. Herrell who commanded 16th U. S. Infantry on the march to Sedan.

the principle only applies to the heat of battle and not to systematic killing of the enemy under all circumstances, in accordance with instructions given prior to an engagement.<sup>1</sup> To make quarter under such circumstances, at any rate, towards the persons who have abused the confidence of the victor and shoot him in the back after being treated kindly, will compromise the success of the battle and perhaps, frustrate the plans of the entire campaign. The commander must remember that the blood of one of his own men taken by such treachery should be more precious to his eyes than that of thousands of such villains committing acts against the laws of war. The practice of the Japanese mentioned above was repeated many times during the World War, and especially in the Battle of the Somme 1914. The British troops in that battle made important advances but the enemy, lying concealed here and there until the British troops passed, fired upon them so effectively that the fruits of the victory were nearly all lost.<sup>2</sup> It became a very important duty during the World War to designate a part of the attacking troops as "cleaner up" or "moppers up" to search all places where the enemy might be in hiding and to make captures of all the enemy that the advanced elements of the assault troops failed to find.

**11. Troops on certain missions to be unencumbered.** Troops sent on reconnoitering duties far in advance of the remainder of their forces, or who occupy an important strategic point, a bridge, exploration of a forest, ravine, or a fortification which is the key to a position

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<sup>1</sup>Ariga, du Payrat, pp. 308-309.

<sup>2</sup>During the advance with the battalion headquarters group November 1, 1918, that group in command of the author was fired upon from the right rear by machine gunners evidently some of the enemy who had lain in a concealed position for such purpose. About that time, some wounded American soldiers in charge of some captured German prisoners of war and the soldiers in command of the group was ordered to march the prisoners of war towards the enemy who were firing upon us in that manner. Other important matters were happening farther to the front which required the author's attention so that it is not known whether these enemy gunners were taken prisoners of war or not but their firing did not molest us any more. It is probable that "cleaners up" groups of the American troops captured them.

for the purposes of holding until the main body of their forces arrive, must not be too considerate for any small group of the enemy which frustrates such mission. Rapidity and secrecy are paramount, and prisoners of war may be too great an encumbrance.

**12. May not declare in advance that captives will not be taken.** As previously stated concerning the complaint made by the Japanese that the Russians should not have issued an order in advance that they would not take prisoners of war, it is again asserted that the *Regulations, Hague Convention*, art. 23 d prohibits such an order in advance. The *American Instructions*, 1863, (art. 60, in like manner, provides that no such order will be given in advance in a spirit of hate or vengeance but the commander may, in extreme cases, instruct his troops not to make quarter if his own welfare renders it impossible to encumber himself with prisoners of war. The *American Instructions*, 1863, (art. 62) also permit the holding in abeyance of the principle of making quarter when fighting against troops who do not recognize the principle. (For more complete information concerning the principle of making quarter see, Baker and Crocker, *The Laws of Land Warfare*, 1918 pp. 111-120, and the references there cited.)

## PART II—THE CAPTIVITY

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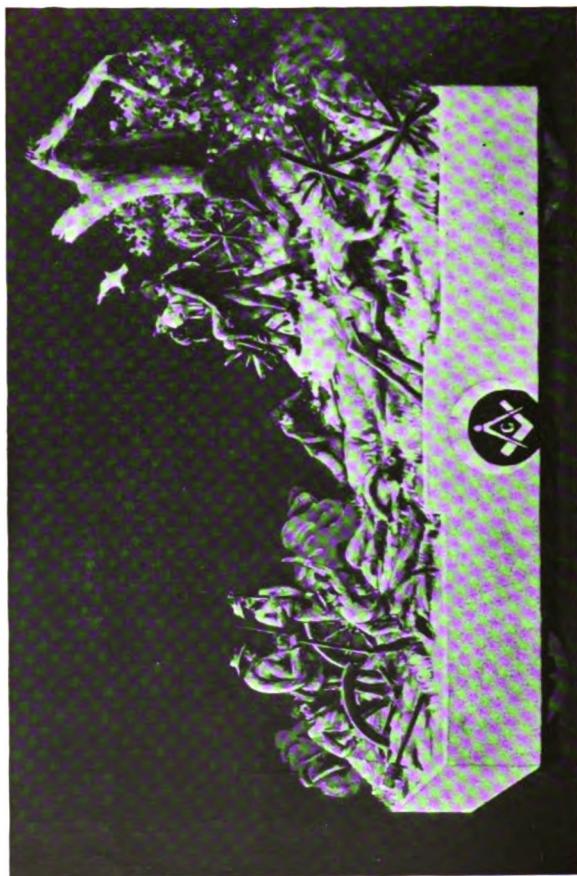
### CHAPTER IV.

#### Immediate Consequences of Capture

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A. **Application of the golden rule.** After persons become prisoners of war the question arises as to what shall be done with them. They are entitled to the application of the "Golden Rule"; that is they should be dealt with as their captors would like to be dealt with under similar circumstances if taken by the enemy. They must be treated humanely. The conception of what is



Union Masons carry Confederate Mason through lines for burial.  
Courtesy of General Amos F. Fries, from the Master Builders, 1923.

humane treatment, however, unfortunately, varies with different nations and even with the same nation under different circumstances. P. Fiore in his *International Law Codified*, p. 3, suggests that Christ by proclaiming the unity of mankind and the fraternity of all peoples, gave the true conception of humanity, "There shall be neither Hebrews, nor Greeks, nor slaves, nor free men, since you are brothers in Jesus Christ. (St. Paul, *Epistle to the Galatians*, 3-28.)

### 1. During the World War.

a. **By American soldiers and German captive.** The application of this rule during the World War occurred many times. At Cheppy, France, September 29, 1918, Privates Fred G. Price and Albert L. Bogen, Company A, 140th Infantry, both wounded shared their rations with Paul Sacker, a German captive. Another instance is that of Lieutenant Samuel Smith of the 28th Infantry, First Division. On the night that he was wounded he had been making a lone patrol into the German lines southeast of Cantigny, France, and had captured a young Prussian soldier. Smith started for the American lines but he was wounded by the German barrage. He was in danger of bleeding to death. His captive stood nearby unwounded. Smith felt the German's hand upon his shoulder trying to lift him up and was told in reply to his question that he was trying to take the lieutenant into the lines where he could obtain aid for him. Smith was a large man and the captive could not carry him far. He asked where the aid station was, saying that he was going to obtain assistance. Smith gave the desired information and soon thereafter the captive returned with some of the troops of Smith's organization to aid the wounded officer who was lying unconscious. The prompt aid which the captive procured for Smith saved his life. The young captive was accorded the best treatment. (*Infantry Journal*, Vol. XXIII, Capt. Charles Coulter, *Discipline*, p. 505).

**B. Prisoners of war disarmed.** The regulations, Hague Convention, 1899, provided that the arms of prisoners of war shall not remain their property. (Art. 4). Such provision applies to the arms of enlisted men but officers may retain their arms.

**C. Private property of prisoners of war.** Private property of prisoners of war should not be taken from them unless accounted for, and arrangements made for its ultimate return to them or to some one duly authorized to receive it in their behalf. The practice of giving such property as booty to troops deserves condemnation.<sup>1</sup> Rewarding troops by giving them property as booty may lead to indiscriminate looting. Even well disciplined troops soon become demoralized by permitting such practices. The United States Manual "Rules of Land Warfare 1914" art. 53 provides that sums of money or other articles, which might facilitate escape of prisoners of war, may be taken, receipts given therefor, and the property returned at the end of the war.<sup>2</sup> The taking of small articles for "souvenirs" should be forbidden by the officers of all grades and they should set good examples by taking nothing from the prisoners of war which the international regulations do not sanction, and such articles as these rules permit to be taken should be taken only in the prescribed manner after proper receipt is given and record made thereof.

**D. Hardships immediately after capture.** Immediately after a battle there is considerable disorganization even in the forces of the conqueror. The victor cannot always determine with any degree of certainty the num-

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<sup>1</sup>See debate between Count Lanza, delegate of Italy, General Arnaudeau, delegate of France, Baron Lambergont, delegate of Belgium. Acts of the Conference of Brussels, 1874, meeting of the 5th of August 1874; **American Instructions**, art. 12 and 45.

<sup>2</sup>du Payrat, pp. 229-230; art. 4. Regulations Hague Convention, IV, 1907; Art. 23. Declaration of Brussels; Institute, 1880, p. 38; Woolsey, p. 216; Holland p. 21; Lieber, Art. 72, 73; Bluntschli, **Droit international codifie**, sec. 659; **Agreements between the British and German governments concerning combatant prisoners of war and civilians**, October 1918, p. 29; U. S. Manual p. 27; Lieber, art. 73, as to side arms; Baker and Crocker, p. 38-44, and references there given; du Payrat, pp. 239, 240.

ber of captives he will have to care for. Hence with his own troops poorly organized, worn by hardships, and without adequate preparation for vast numbers of prisoners of war, the latter have to undergo great hardships. This happened at Sedan in 1870. There was not sufficient transportation for the 83,000 prisoners of war. They were guarded by surrounding them and their sufferings were intense because of lack of food, or fire to dry their wet clothing. They ran to keep warm. To prevent escape the Germans took rigorous measures. (General Ambert, *Recits militaire*, II, p. 366; also a prisoner army in *Revue des deux mondes*, July, 1871).

#### E. Obtaining information from prisoners of war.

##### 1. Taking prisoners of war in small numbers.

###### a. To determine what hostile troops are opposite.

Not all organizations of an army are rated equal in-so-far-as their combat ability is concerned. For this reason it is most important to a commander to know what unit of the enemy's forces confront him. The easiest way to find this out is to take prisoners of war. These aside from the identification of units, serve to give information about the dispositions, reliefs and morale of the enemy. Furthermore, if captives be taken along an extended front a compilation of information obtained from them at general headquarters may enable the high command to make a better estimate of the high command of the enemy including the relief of front line troops by fresh troops and the movement of troops generally. When a commander is confronted by shock troops which have just entered the front line positions an attack may be expected although, of course, front line troops should always be ready for an attack.

###### b. Method of taking prisoners of war.

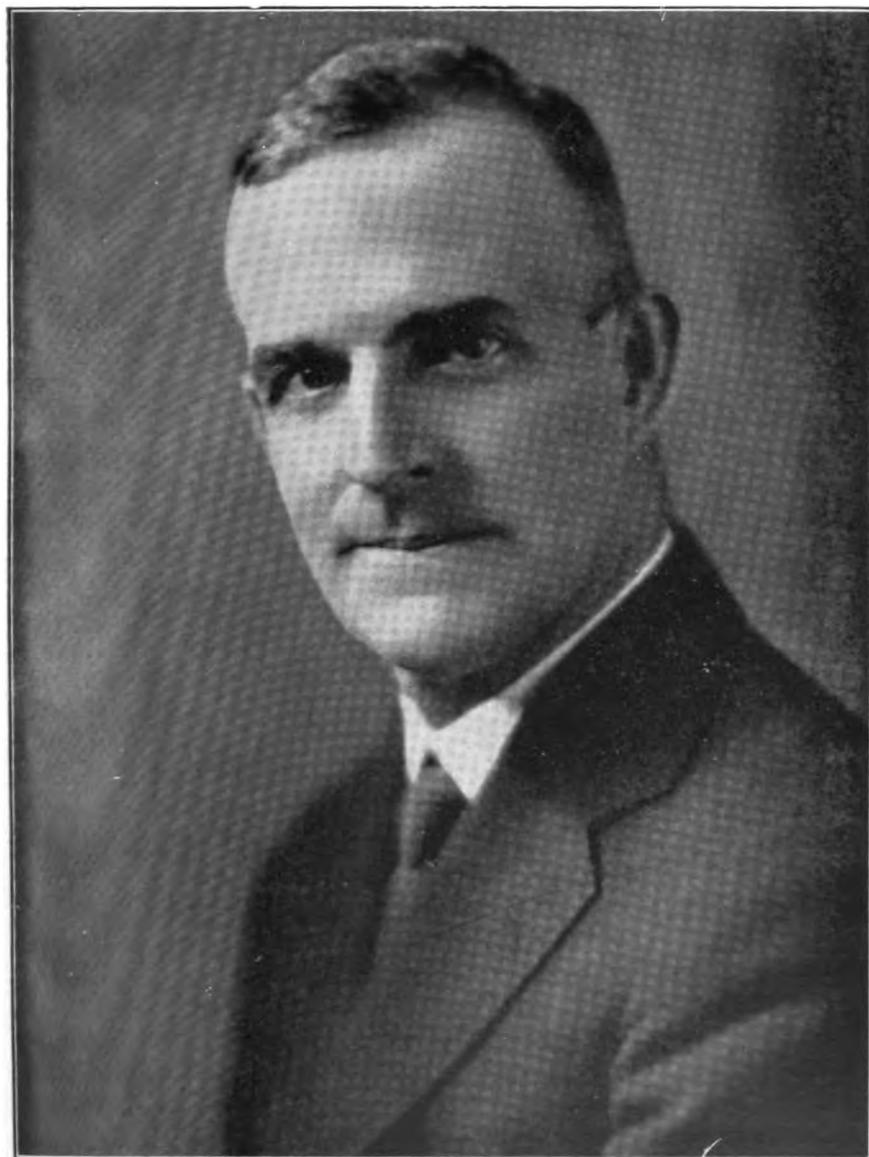
(1) **By accident.** Prisoners of war are usually taken after preparation and planning. Rarely, prisoners of war are taken by accident. This is hardly possible when

the lines are stabilized as they were during the World War, although the first German taken prisoner of war by the American forces, (Company C, 18th Infantry, near Bures, France, (Meurthe-et-Moselle), October 27, 1917) was taken in just that manner, for, after losing his way to his own trenches, he wandered into the American lines.

**(2) By careful planning.**

(a) **Plan of the First Division, World War.** Preparation for taking a prisoner of war during the World War usually consisted of making a study of the enemy lines to determine where a permanent post was located, and whether or not it was accessible. Then one or more reconnaissances were made of the position to make those who were about to conduct the raid familiar with terrain. Frequently front line units receive orders from the commanders of higher units to take a prisoner of war at once. Perhaps, headquarters has received warning that something is taking place within the enemy's lines and it is desired to corroborate this through identification of the organizations of the enemy's front line troops.

The officers known as "Intelligence Officers" whose duty it is to supply this information are then called upon to take a prisoner of war. These officers should be able to do this for as soon as the front lines are stabilized, each intelligence officer should look over the situation, and plan a raid on a certain spot where he knows the enemy has a post. From the time that his plans are complete, everyone is kept away from that particular spot. The intelligence officer, having received orders to take a prisoner of war, calls his party together, sends or leads them to the designated spot, and comes back with his captive. During the World War, higher authority *never* called for a captive to be taken by the First Division without having one forthcoming before daylight. (Captain Charles Coulter, Intelligence officer, 18th Infantry, First Division.)



MAJOR ENOCH BARTON GAREY  
(President St. John's College, Annapolis, Maryland).

(b) **Incident in Sixth Division.** Having had considerable difficulty in an unsuccessful effort to obtain a prisoner of war the commanding general of the Sixth Division during the World War allowed one of his machine gun officers, Major Garey, to volunteer to undertake to capture a prisoner of war. After making careful plans he started out with his men, and the result of his efforts are recorded as follows in General Orders no. 60, War Department, Washington, September 22, 1920:

"\* \* \* Enoch B. Garey, major, 18th Machine Gun Battalion, 6th Division. For extraordinary heroism in action in the Gerardmer Defensive Sector, France, September 16, 1918. *Major Garey* organized and led a combat patrol which penetrated the enemy lines and returned with several prisoners. Although exposed to machine-gun fire and later grenade fire from a superior number of the enemy, he conducted his patrol so as to accomplish his mission, and returned to our lines with valuable information."

c. **Information obtained at regimental and division headquarters.** When a prisoner of war is taken, he should not be allowed to stay around the front line command posts. Hence, during the World War, he was hurried back, by automobile, if this were possible, first to regimental headquarters, for a brief questioning concerning the order of battle of his regiment, and then to division headquarters, where he was asked for complete information about the division of which he had been a member. These questions concerned strength, morale, dispositions, food, reliefs, future plans known to the rank and file, whether or not there was a change in the manner of manning the trenches for day and for night, what manner of commanders the troops had, and how they were regarded by the men under them, and anything else that suggested itself to the officer conducting the examination.

(1) When prisoners of war answer only certain ques-

**tions.** Some prisoners of war remember to stand on their rights, claiming that their oath of allegiance to their country protects them although they are in the hands of their enemies. These answer only certain questions by giving their name, rank, and organization, turning in such official documents as they have in their possession, and refusing, in a most respectful manner, all further information. This privilege should be taught all soldiers, for it is provided in international agreements. Hence when a captive asks that this right be observed, if he be sincere, his rights are respected by those who capture him. An Intelligence Officer of the World War who had opportunity to know said that he never heard of an authentic case of any Intelligence Officer in the American or allied forces mistreating a man because he refused to give any further information. (Captain Charles Coulter, Intelligence Officer, 18th Infantry, First Division).

(2) **When questions are answered freely.** Often prisoners of war upon being captured lose whatever morale they had before being taken, and, in an effort to gain favor with their captors, tell everything they know, or try to answer any question asked. Sometimes they have an attack of conscience during their examination, and tell untruths. A good Intelligence Officer always knows sufficient about the enemy forces and dispositions to detect exactly when the lying begins, and then he must use some means to obtain the truth. Some officers forget and become harsh in their treatment, but this is never justified.

d. **Treatment to elicit information.** It is legitimate to make a prisoner of war stand at attention while he is being examined, and to keep him for long sessions, if necessary. It is also proper to keep him from his meals, or from relief, during the questioning, if he proves recalcitrant. Hitting or pouring cold water over him should not be resorted to for the purpose of obtaining information. Any method that involves bodily injury

should be avoided. To inflict injury upon a captive to draw out information, is to acknowledge that the Intelligence Officer is more or less a weakling.<sup>1</sup>

(1) **During the retreat of the Ten Thousand.** Xenophon during the retreat of the Ten Thousand endeavored to obtain information from two captives concerning their own forces and when they refused to give the desired information one was punished within the sight of the other.<sup>2</sup> This would be a violation of modern regulations. Threats may be used but physical violence is prohibited. (*American Instructions*, 1863, Art. 80).

(2) **By Napoleon.** Napoleon wished to secure information concerning the troops which opposed him before the battle of Essling. He sent an officer, Marbot, with other soldiers to the opposite side of the Danube to take some captives. Three Austrians were captured and they were treated kindly and gave the desired information.<sup>3</sup>

(3) **Removal of clothing.** During a portion of the campaign of the First Division, A. E. F., a method was tried out that produced the desired results when prisoners of war would not talk or would not tell the truth. They were conducted to a more or less public place where there would be no interruptions, but where passers-by could see them, and there, when a captive started telling untruths, he began to lose articles of clothing. One at a time, pieces were taken off, until the captive learned that the only way he could remain clothed was to tell the truth. It was remarkable how quickly a captive told the truth when clad only with the suit that nature gave him and when he knew he could obtain his clothing again only by answering the questions truthfully. This did not cause the prisoner of war any physical discomfort, and could not be properly considered as harsh, cruel or

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<sup>1</sup>Captain Charles Coulter, Intelligence Officer, 18th Infantry, First Division.

<sup>2</sup>du Payrat, citing Xenophon, *Retraite des dix mille*, liv. IV Ch. 1.

<sup>3</sup>Marbot, *Memoires*, liv. II, chap. 14, p. 152-164.

unusual. (Captain Charles Coulter, Intelligence Officer, 18th Infantry, First Division).

(4) **Use of microphone.** Efforts to gain information are continued for sometime after capture, however; the following narrative is given as a typical method used for obtaining information from captives: One captive reported that after eighteen days' confinement in a fortress he was conducted to the place called a "Microphone Hotel" by the captives at Karlsruhe. He had no knowledge of its particular purposes at that time. He was placed in a room and given supper with several other allied officers who were captives both English and French. In running his hand underneath the table while at supper, he found a card pinned there on which was written: "Be careful, there is a dictaphone in the lamp." Over the table was a large hanging lamp and a dictaphone was found in it. The German idea seems to have been to obtain military information by placing allied officers together in this room soon after they were captured, giving them a good meal, and expecting that during the meal they would exchange experiences and discuss matters which might yield valuable military information pertaining to the military service. At the end of five days this captive was taken to the camp for captives at Karlsruhe. Another officer, Lieut. Savage of the French army, found two microphones underneath the wallpaper in the room where he was confined. He pulled out the microphone and the wire connected to it, and was punished severely by the listeners who rushed in madly. Next, Lieut. Savage was sent to the aviation distribution camp at Landslut, Bavaria. There he was subjected to a severe search. His skin, mouth, ears, and hair were minutely examined. Acids were poured on his body to bring out secret communications which might, they suspected, be imprinted on his skin. His shoes were taken to pieces. Even his croix de guerre and tunie were ripped off. (Dennett *Prisoners of the Great War*, pp. 107-108).

e. **Observations of General von Gallwitz.** General

Von Gallwitz of Germany referred to the prisoners of war captured from the American forces during the World War substantially as follows: In the Summer of 1918 I heard that the First American Division would be brought opposite my army. On February 9th a patrol of the 16th Inf. was surprised and four men taken prisoners. We learned that the First Division (Pershing) was present with the 16th and 18th Inf. regiments in the first line, and that the 26th and 28th Inf. regiments were in the rear.

Our new opponents held our interest. We tried to make a strong impression upon them, but they appeared to be very prudent. At first we saw detachments of Americans with French always around them, and finally independent American detachments.

On March 1st we made a strong demonstration against the American front. This carried us some 500 meters into the enemy position. Twelve prisoners of the 18th Inf. regiment were brought in here, and then more at Chavignon, but they were costing us dearly. Some of the Americans, when surprised in their trenches refused to surrender, preferring to be blown up in the air—proof that we had to deal with an opponent who must be highly esteemed. Of course there were a few prisoners who declared they were glad it was over as far as they were concerned. They stated that their relations with the French were not cordial. We learned from them that General Duncan was in command. Pershing's promotion had already begun.

On March 11th we faced the first advance of American patrols to the front of our lines, without loss to us. In April we ascertained the Second American Division was entrenched among the French battalions. Prisoners we captured told us that this division had come over in September, 1917.

In the course of the month of April the number of Americans present was increased, especially around St. Mihiel, with the appearance of the Twenty-Sixth Division. At this time the French division withdrew. We tried to reconnoiter by further advances and to get ac-

quainted with our new opponent. Between the 13th and 20th of April several prisoners were taken—five officers on the last day, besides 178 men and twenty-five machine guns of the First Battalion, 102d Inf. regiment, 26th Division. This battalion had only been in the front line two hours when attacked.

All of these skirmishes increased our knowledge, often unsophisticated when cross-examined. Some of the conversations between the officers, overheard by us, afforded information. For instance, they called Lloyd George all kinds of names.

Our general impression was that we had to deal with fresh, willing, efficient human material; that their training and fitness for war had not yet been perfected, but that they were improving notably. As in the case among these kinds of men, some of the Americans were daredevils and others less energetic. Some were resolute. One man taken on April 17th (26th Div. at Xivray) fought heroically and singlehanded against a superior force, and refused to say anything after being disarmed.

Some of the prisoners on April 20th I had brought before me. Their descent was as follows: Seventy-eight full-fledged Americans, 22 Irish, 22 French, 13 Italian, 8 Germans, 7 Swedes, 4 Russians, 2 Scotch, 1 Dane and 1 Swiss. Of those of German descent hardly one could speak a word of German. I asked the officers if they thought the intervention of America would give a new turn to the war, and while they answered hesitatingly it was always in the affirmative.

It is interesting to state that from many Englishmen taken during the March offensive, we heard: "We are dumbfounded by the feat, and see the reason for our failure, but we are not discouraged. If we only persevere, with the aid of the Americans the tide will be turned." (Friend, John A., *Ex Prisoner of War Association, Prison Notes and Roster*, World War, 1917-18).

(f) **Observations of the author.** One event that came to the author's attention where physical punishment to a captive was invited but not inflicted occurred near Montdidier in front of the *Belle Assise* farm about May

1, 1918. The captive was taken to the author's dugout where Lieutenant Behrandt who knew the German language asked the captive several questions. The latter refused to answer claiming the privileges of a prisoner of war. He looked around the dugout and said, "*Pas bon dugout*" (no good dugout), and began to whistle with an insolent look on his face. He was not by international law required to give the information sought but as our guest he should not have complained of our accommodations which were the best we had been able to make for him under the frequent fire from his own artillery.

(g) **Extreme measures to prevent enemy gaining information.** During the World War on the morning of the 27th of May 1918, the Germans raided the American front line trenches occupied by troops of the First Division hoping to take captives and from them learn what was going on within the American lines. The Americans had planned an attack for the following day, the 28th of May, hence it was important that the enemy should not have any captives from the troops designated to make the attack. The Germans succeeded in capturing two Americans in the raid, and started back with them. One was seen by the American troops in No-Man's land guarded by four Germans who had their bayonets pointed at him. The survivors of his platoon were alive to the situation and rather than permit their comrade to be taken to the German prison camps, opened fire upon the guards and killed him and the four guards. The second man was killed by artillery fire just within the German front line trenches so that the Germans obtained no information from him other than what organization held the first line trenches. The battle of Cantigny, the first American attack of the World War, on the following day was successful. If the captives above mentioned had given complete information of the plan of attack the result for the Americans might have been a failure. (*Washington Times*, banquet edition, Monday, May 28, 1923, p. 1).

## CHAPTER V.

### Transportation

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#### A. Removal of prisoners of war from forward areas.

After capture the prisoners of war should be removed from the advance areas as rapidly as possible. Division prisoner of war enclosures are established, and the captives are sent to brigade headquarters and to the division enclosure or collecting point.<sup>1</sup> On account of its mobility<sup>2</sup> cavalry is useful if available. An escort is provided to accompany the captives. Usually the journey to the rear is divided into two parts; in the first part, the combatants who capture the prisoners of war conduct them to a place where they are turned over to the auxiliary services. These take charge of them and conduct them to their destinations.<sup>3</sup>

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<sup>1</sup>G. H. Q. General order No. 106, France, July 1, 1918; see also Phillimore, **Problems of Peace and War**, vol. VI, p. 26, 27.

<sup>2</sup>du Payrat, p. 246, citing French regulations, 21 March, 1893, art. 13, 14.

<sup>3</sup>Ariga, pp. 104, 120; du Payrat, pp. 246, 247.

**1. Assembly of captives in general quarters; separate quarters for officers; interpreters.** Upon arrival at the proper headquarters the prisoners of war are taken by the provost or military police and divided into groups of twenty or more and placed under the command of a soldier of experience or an officer or noncommissioned officer. The captive officers are separated from the enlisted men. If left with the enlisted men they may be able to exert their authority and cause them to rebel against their captors and try to escape. Interpreters are useful for the translation of orders to the captives, and search should be made for prisoners of war who can serve as interpreters. The Japanese in 1904 attached interpreters to each depot of prisoners of war to interpret the Russian language.<sup>1</sup> This should be done to be certain orders are understood. Deserters may be separated from other captives and after due trial executed for their acts of treason.<sup>2</sup>

**2. Mission of escorts following land routes.** The prisoners of war are listed as soon as possible. The details concerning such listing is given in a subsequent chapter pertaining to the Bureau of Information for prisoners of war. Columns are formed of the captives so that they may be readily sent to the designated places. The strength and organization of the columns vary with the circumstances which pertain to them such as the strength of escorts, dangers of the routes, morale of the conquered. If the prisoners are happy to be captured they will not need so strong an escort as those who are depressed because of their captivity.<sup>3</sup> An inspection by a medical officer should be made of all persons in a column to determine who cannot make the journey without impeding its progress; such persons including the sick and wounded should be cared for in a field hospital. The railroads near the field of battle are needed for strategic purposes

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<sup>1</sup>Ariga, pp. 104, 120; du Payrat, pp. 246, 247.

<sup>2</sup>du Payrat, p. 247; American Instructions, 1863, art. 48.

<sup>3</sup>du Payrat, p. 248.

so that they are seldom available for the transportation of prisoners of war. The commander should take precautions to secure strict discipline, and to render escape impossible. The Chief of Staff should give him the necessary instructions for his itinerary. The escort is divided into two parts, one accompanying the prisoners of war as an immediate guard, and the other preceding them to clear the march of the column to avoid delay as provided in the field service regulations relative to convoys. Those who attempt to gain their liberty by flight may be fired upon.<sup>1</sup> But an ounce of prevention is worth a pound of cure, hence the escorts are duly armed and the weapons are loaded in the presence of the prisoners of war before departure. Deserters need not be returned with the other captives but after due trial shot for their acts of treason.

**3. Precautions in case of attack.** If an attack is imminent during the journey an effort should be made to arrive at a village, and enclose the prisoners of war using therefor large buildings, churches, and other enclosures, being careful to select places which are easy to guard.<sup>2</sup> The inhabitants of such places should be warned that any attempt on their part to assist the prisoners of war to escape will be dealt with very severely. The necessity of leaving such dangerous zones quickly may induce the guards to treat the prisoners of war very rudely. After the capitulation of Sedan 1870 the German rear guard had orders to shoot without mercy all prisoners of war who retarded the march.<sup>3</sup>

**4. Arrival at end of first part of voyage.** Upon arrival at the end of the first part of the journey certain precautionary measures are necessary. The guard is normally installed in the coaches at the head of the train,

<sup>1</sup>du Payrat, p. 248.

<sup>2</sup>du Payrat, p. 249, citing French regulations, 21 March, 1893, art. 24, 25, 26.

<sup>3</sup>du Payrat, p. 250, also une prisonere armee; Revue des deux mondes, July 1871, p. 171.

in the center, and at the rear of the train. The officers of the escort take their places near the center. Arms are loaded before departure. The prisoners of war receive the same instructions as when marching on foot. They are also forbidden to put their heads or arms outside the doors during the journey, or to cry out, or to sing, or to smoke in the coaches filled with straw. The doors are locked to prevent escape, and, in each car, a chief selected from the captives is responsible for order and discipline. The escort should be on guard constantly during the train journey. The members of the escort should not leave the cars during the time the train is not moving, and sentinels should be placed at points so as to prevent all attempts to escape. At certain stations organized for refreshments, the prisoners of war are conducted and take their repast under the supervision of the military police of the station. The escort eats at the same time but at another place. If no places for refreshments are provided, rations are served in the cars. When the train arrives at its destination, groups of about twenty men under their respective chiefs are sent to the commander of the depot.<sup>1</sup>

### B. Railway transportation.

#### 1. Suffering en route.

a. **Under German management 1870.** The journey by railway should be less dangerous than on foot but even such mode of travel is accompanied by sufferings, and other drawbacks. During the Franco-German war, 600 Frenchmen were made prisoners of war during the battle of Ormes, October 11, 1870. They marched a long distance on foot, nearly dying of hunger, and were exposed to the brutality of the Bavarians who threw stones at them and bruised their faces. The wife of a French prisoner tried to embrace her husband but she was brutally seized and thrown aside. Arriving at Nogent

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<sup>1</sup>du Payrat, p. 252, citing French regulations, 21 March 1893, Art. 32, 44.

L'Artant, (Aisne), the prisoners of war were thrown into cars filled with smoke. There was so much smoke that the captives tore up the planks of the floor to prevent asphyxiation. Two men became exhausted before arriving at Frankfort. Their guards fastened them to the boards of the cars and in this condition they were transported to Stettin where they died. At Weimar, and Leipsic, the infuriated people climbed the coaches to beat the prisoners of war, treating them like herds of swine.<sup>1</sup> During the course of another voyage, the population invaded the stations to insult, and deride the Frenchmen by jeering at them, saying "Paris caput."<sup>2</sup> The German papers protested against such conduct. According to the *Wanderer*, 1,600 prisoners of war of the army of the Loire arrived at Berlin to be sent to Stettin, and were in such a deplorable condition that they could not be taken farther. The journey from Orleans to Berlin lasted seventeen days, and it was made in sixty uncovered coaches. The unfortunate prisoners of war had to remain standing because there was no space afforded a place to sit down. They were principally members of the 3rd Zouaves. Their scanty uniform was not sufficient protection from the cold of the North and their clothing froze upon their bodies, and the snow was knee deep. Their legs became so numb that they could not descend the frozen and slippery steps. Some fell under the wheels and were bruised. It was necessary to carry others from the cars to the ambulances. Five died of tetanus, and many, after drinking a little warm soup, were seized with spasms and then fell in a profound sleep, and died.

The *Wanderer* declared "it became a duty to hold a severe inquest into the transportation of prisoners of war and to take prompt measures for putting an end to these sufferings. Many succumbed en route. They were stretched out dead on the floors of the coaches, and, for

<sup>1</sup>du Payrat, p. 253, citing General Ambert, *Récits militaires, après Sedan*, p. 312.

<sup>2</sup>du Payrat, p. 253, citing Patorni, *Neuf mois de captivité en Allemagne*, p. 50.

lack of room, their companions in misfortune were compelled to stand on their bodies.'"<sup>1</sup>

b. **Under German control during World War.** A very complete account of the transportation of prisoners of war and the treatment accorded them en route is contained in a report concerning British prisoners of war transported to Germany, August-December, 1914. The report was presented to the British parliament and contains 53 pages. It is based upon the statements of forty-eight British officers, and twenty-eight noncommissioned officers and men who were captured between the outbreak of war and the end of the year 1914. It contains a series of abstracts describing the railway transport of these prisoners of war from various towns in Belgium, and northern France to the prison towns in Germany. The journeys required many days, and, sometimes, even weeks after the dates of capture. The report indicates that the wounded were not provided with medical or surgical treatment. The captured English medical officers after the battle of Cambrai, September 3rd, 1914, were allowed to visit the wounded British prisoners of war on the same train only twice during a five days trip. The officers travelled in third or fourth class cars, and the others in cattle cars several inches deep with manure. They were forbidden to leave the trucks for any purpose. The prisoners of war were displayed as an exhibition to the crowds en route, and exposed to abuses, insults and derision. Some members of the German Red Cross behaved in a most revolting manner. At every station there were supplies for food and drink, and materials for medical aid presided over by women wearing the Red Cross. Consistently they refused anything whatever to the English prisoners of war. After offering food to them, it was taken away with the statement that it was not for swine. Much to the credit of the German soldiers who guarded the captives, they gave food to the latter when they could do so unobserved by the crowd. They

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<sup>1</sup>du Payrat, pp. 253, 254, citing General Ambert, **Recits Militaires Apres Sedan**, pp. 346, 347.

smuggled a part of their food to them when there was no chance of being detected by the women of the German Red Cross. It is a matter of record that the German soldiers were ashamed of this behaviour towards the prisoners of war, and would even apologize for it. At one station where the German Red Cross nurses had given their usual exhibition a German noncommissioned officer rushed out of the train, seized the women by the arm, and, with abusive language, ordered her to bring food for the prisoners of war.

c. **During American Civil War.** The Germans are not alone, however, in their failure to furnish proper transportation for prisoners of war and to show proper respect during their transportation. During the journey to Andersonville, Georgia after the Battle of Lookout Mountain of the American Civil War some Southern women walked on the station platform above the prisoners of war, spat in their faces, abused them, and told them they would never see their homes again.<sup>1</sup>

d. **Boers in War against British.** During the war in South Africa, the English used coaches without shelter to transport the Boer prisoners of war, who were exposed to the rain, wind, and terrible privations. Many of the Boers became sick, and several died.<sup>2</sup>

2. **Allowance of rations during the journey.** Speaking generally, the prisoners of war are entitled to the same allowance of rations as the troops who guard them. Provision has been made by France,<sup>3</sup> however, that prisoners of war on a journey be given a daily allowance in money of .25 franc for noncommissioned officers and enlisted men, and 3 francs for the subaltern officers, and five francs for the superior, and general officers; and a mileage allowance to depend on the mode of transportation. When the distribution is made in the course of the journey, the value of the ration is based on its cost at the time of the last distribution of rations to the troops.

<sup>1</sup>Fosdick, Charles, **500 Days in a Rebel Prison**, p. 9.

<sup>2</sup>du Payrat, p. 255; **Le Petit Temps**, du Janvier, 1902, Rev. Gen. Dr. I. P., 1900, p. 679.

<sup>3</sup>French regulations, 1893, art. 37.

3. **Sickness en route to ultimate destination.** It has been shown that at times proper provisions have not been made, and, perhaps, in many cases could not have been made for the transportation of prisoners of war unable to withstand the hardships of the journey to the ultimate destination. All persons who are found to be unfit to continue the journey on account of sickness should be left at stations en route where they may be taken care of by local infirmaries until they can be sent to the nearest military hospitals.<sup>1</sup>

4. **Upon neutral territory.**

a. **Sick and wounded.** May convoys of prisoners of war be taken across neutral territory to save time? Article XIV, Regulations, Hague Convention provides that for humane reasons, that the transit of convoys of the wounded across a neutral country may be permitted, provided that the trains taking them shall carry neither personnel nor war material, and the neutral state must guard these persons to prevent further participation in the war.<sup>2</sup> But it is not necessary to extend the privilege to the transit of prisoners of war generally. Sick and neutral prisoners of war brought into neutral territory as part of a convoy of evacuation, granted right of passage through neutral territory, may not be transported to their own country nor liberated as are prisoners of war escaping into or brought by troops seeking asylum in neutral territory, but must be detained by the neutral power.<sup>3</sup>

b. **Escaped captives.** Escaped prisoners of war under Art. XIII who are received upon neutral territory shall be left at liberty. If allowed to remain the neutral country assigns them a place of residence. (U. S. Manual, p. 142.)

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<sup>1</sup>du Payrat, p. 256 citing French Regulations, 21st March 1893, art. 36.

<sup>2</sup>U. S. Manual, pars. 107, 417, 422, 418; Oppenheim, **Land Warfare**, par. 495.

<sup>3</sup>U. S. Manual, pars. 107, 417, 422, 418; Oppenheim, **Land Warfare**, par. 495.

## CHAPTER VI

### Organization of Enclosures

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**A. Location of enclosures.** When the prisoners of war have been removed from the forward areas they must be cared for until the end of their captivity. The places selected therefor should be far distant from the battlefields, so as to offer less temptation for the pris-

oners of war to try to escape. If sent overseas to a colonial possession, country chosen should have about the same climate as that to which they are already acclimated.

### 1. Climatic conditions.

(a) **Considered by the United States and Russia, 1785.** Prussia and the United States of America in the Treaty of Friendship and Commerce of September 10th, 1785, agreed not to transport their prisoners of war into foreign and rigorous climates, or to the East Indies, or into any country of Asia and Africa, but to send them to places in Europe or America, and to the healthy localities in these countries.<sup>1</sup>

(b) **Basis of censure of Russia by Germany.** Germany blamed Russia for sending French prisoners of war into Siberia as was done with certain criminals. "It was a measure that could be authorized by the ancient practice of war, but it would not correspond today with the ideas of justice."<sup>2</sup>

(c) **Selection of proper climate ignored by England.** The British government sent General Cronje and the prisoners of war taken with him to the island of St. Helena which had by its deadly climate already served to shorten the days of Napoleon. England had learned that captivity for her illustrious captive was much safer for her on a lonely isle in a lonely sea, than a few miles from his native coast.<sup>3</sup>

"It was not as prisoners of war but as exiles that England treated her captives," stated Miss Green in telling of her visit to the Boer prisoners of war at St. Helena.<sup>4</sup> If the choice of this celebrated island is condemned for a place of internment it is solely on account

<sup>1</sup>Malloy, Treaties, conventions, etc. Senate Documents, vol. 48, Treaty of amity and commerce concluded September 10, 1785.

<sup>2</sup>du Payrat, p. 259 citing Kriegsbrauch im Landkriege, translation by Carpentier p. 21.

<sup>3</sup>du Payrat, p. 260.

<sup>4</sup>du Payrat, p. 260 citing La Correspondent, 25th December 1900.

of its severe climate. The Regulations of the Hague convention do not deny belligerents the right to intern prisoners of war in a colonial possession provided the climate is healthy like that of Australia or Algeria.

**2. Internment more commendable than ancient methods.** The Regulations Hague Convention contain a provision that prisoners of war may be interned that is, they may be collected or concentrated at certain places, villages, camps, and fortresses where they can be easily guarded.<sup>1</sup> But useless restrictions are not sanctioned. They are guarded as a measure of security and not of punishment.<sup>2</sup>

**3. Jails and Penitentiaries.** Jails and penitentiaries are constructed for places of confinement for persons who violate the common or civil law. These and similar places are not proper places for prisoners of war for they have served honorably for their country and should not be confined as criminals. Rules of Land Warfare of the United States specify that they should be confined in rooms that are clean, sanitary and as decent as possible.<sup>3</sup> In antiquity, however, they were so held. At Tullianum a prison was dug into the side of Mount Capitoline. There was only a narrow entrance. The chiefs of the enemies captured as prisoners of war by the Romans were allowed to die therein of hunger. The Syracusians kept their captives in quarries exposed to the weather and sun where they suffered untold hardships.<sup>4</sup>

#### **4. Horrors of prison ships.**

**a. Of England for French.** England confined the French prisoners of war taken by her during the war of the First Empire in old disarmed vessels which were

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<sup>1</sup>Regulations, Hague Convention, 1907, part 5; See also Baker and Crocker, pp. 46-50, and numerous citation there given, U. S. Manual, art. 61.

<sup>2</sup>Holland, *Laws of War on Land*, par. 25, Oppenheim, *Land Warfare*, par. 86, 87; U. S. Manual, p. 27.

<sup>3</sup>U. S. Manual, art. 28.

<sup>4</sup>du Payrat, p. 261.

anchored in the roadsteads of Portsmouth, Chatham, and Plymouth. The men were crowded together like animals and were without sufficient air, space, or nourishment. The barbarous treatment of them aroused the indignation of the civilized world. They were inclosed within a space 130 feet long by 40 feet wide. Holes were made at suitable places to fire upon the prisoners of war in case of rebellion. For furniture, a rude bench around the wall was prepared, and hammocks were hung one under the other because there was not sufficient space to hang them to afford better accommodations. No spoons, knives, or plates were furnished for their meagre nourishment. Only canteens of white metal were furnished instead of plates, and the food was often spoiled when it was given to them. The stagnant mud became polluted where the boats were anchored. Epidemics soon caused many to die. To add to their physical sufferings their jailers were very inconsiderate of their welfare. A French prisoner of war denounced the plans of escape made by his comrades and the latter seized him and tattooed on his forehead the following: "I sold my brethren to the English aboard the Couronne, March 10, 1809."<sup>1</sup>

**b. Of Spain.** The Spaniards kept pace with the English for about this period 25,000 of their captives were confined aboard old pontoons. There were from about 1,800 to 2,000 men on each vessel. Without hammocks, or mattresses, or straw beds, they were obliged to lie down upon the floor.<sup>2</sup> These captives were later transferred to the Balearic Islands. At Majorica, the inhabitants massacred many of them in a most wicked and brutal manner. Those abandoned on the rocks of Cabrera suffered more than words can describe.<sup>3</sup> The sojourn upon that uncultivated islet was atrocious; there was no shelter. The food was often musty or decom-

<sup>1</sup>du Payrat, p. 263, citing Garneray, *Mes Pontoons, neuf armes de captivité en angleterre*.

<sup>2</sup>Blaze, *Mémoires d'un aide-major*, pp. 97, 98.

<sup>3</sup>du Payrat, p. 263, citing Napier, *Guerre de la Peninsula*, translation Dumas, IV, 48.

posed meat. The rations were not distributed regularly. The captives ate rats, mice, wildcats, and even lizards. In 1809, the delay of a boat charged with carrying the provisions caused 150 captives to die of hunger.<sup>1</sup> This vessel was called "The Bark of Famine." A yellowish water was the only drink of the prisoners of war and it was not furnished regularly. The men would be without even such water for two or three days at a time. One prisoner of war, driven by hunger, killed his comrade and was about to eat the dead body when his comrades stopped him. Only one distribution of clothing was made in an interval of many years. An idea of the result of such hardships may be obtained from the fact that of about 19,000 who had been interned at Cabrera, not more than 3,000 remained.<sup>2</sup>

c. **Of English for Boers.** A Rotterdam paper dated November 29th, 1899, contained information to the effect that Boer prisoners of war were confined in a boat prison, barefooted, after all their belongings such as matches, money, and keys had been taken away from them.<sup>3</sup> Some Boer captives were transported aboard the *Catalonia*, and the *Penelope* in which vessels they were enclosed without sufficient air.<sup>4</sup> Many were massed in camps called camps of concentration upon the fields of Kimberley, Johannesburg, Bloemfontein. The enclosures were surrounded by barbed wire. Women and children were held there. The fate of the persons so confined was appalling. There were not enough tents and barracks. The *Blue Book*, published by the British government, 14th December 1901, indicated that of about 117,964 who were interned, there died 12,441 from June to December. 10,113 of those who died were infants. The *Blue Book* of January 17, 1902, indicated that of

<sup>1</sup>du Payrat, p. 264, citing H. Ducor, *Les aventures d'un marin sur les pontons espagnols de Cabrera*.

<sup>2</sup>du Payrat, p. 264, 265, 266, citing Wagre, *Souvenirs d'un caporal de Grenadiers*, 148, 177, 276.

<sup>3</sup>du Payrat, p. 267, citing Merighnac, *Les pratiques anglaises dans la Guerre terrestre*, p. 131.

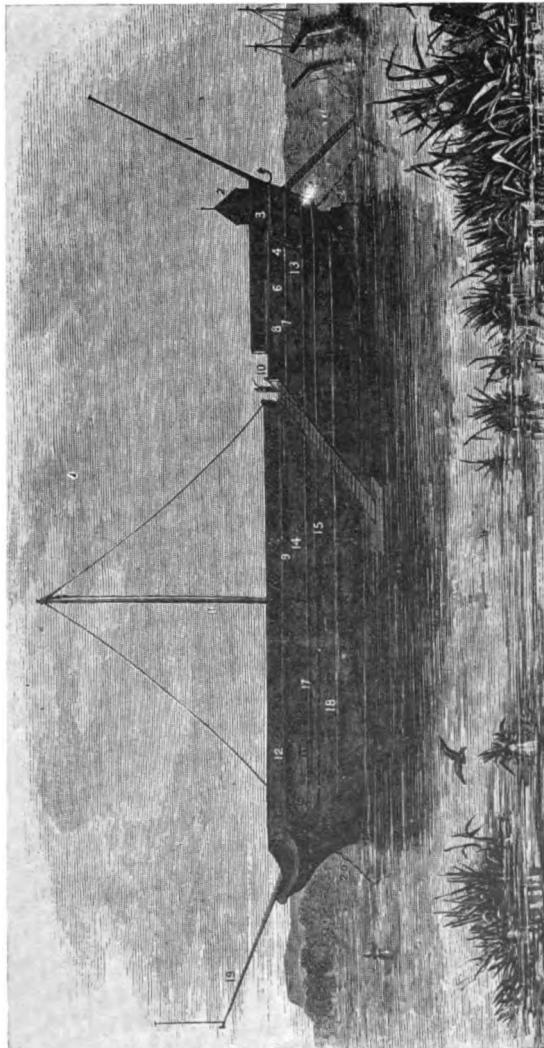
<sup>4</sup>du Payrat, p. 267, citing *The Times*, 18 January 1900.

116,017 interned 2,380 died in December of whom there were 453 women, and 1,761 infants. In the meantime, the House of Commons refused on January 20th, 1902, by 283 votes to 64 to pass an amendment offered by Mr. Dillon denouncing the practice of the camps of concentration. Mr. Chamberlain promised, however, to adopt corrective measures.

**d. Of English for American Revolution.** Many prisoners of war of the American Revolution were confined aboard the British prison ships where they died from the hardships which they were forced to undergo. They remained faithful to the American cause, however, refusing to accept the British offer of freedom if they would serve in the British military forces.<sup>1</sup> William Burke stated that he was a prisoner of war on the Jersey for 18 months and that many of the captives were put to death by the bayonet, and that one night while many of them were assembled at the grate at the hatchway to obtain fresh air, and waiting their turn to go on deck, a sentinel thrust his bayonet down among them, and next morning 25 were found dead. He said that this happened several times, and at other times eight and ten would be found dead.<sup>2</sup>

Rev. Thomas Andros published his recollections under the title "The Old Jersey Captive." He wrote that "her (the Jersey) dark and filthy appearance perfectly corresponded with the death and despair that reigned within." He estimated that 11,000 captives perished about this ship. "Once or twice a bag of apples was hurled into the midst of hundreds of prisoners, crowded together as thick as they could stand, and life and limbs were endangered in the scramble. He said that at night the captives were driven down to darkness between decks. Utter derangement was a common symptom of the yellow fever, and in the darkness which enshrouded the captives, a voice of warning would be heard, "Take

<sup>1</sup>D. Dandridge, **American Prisoners of the Revolution**, p. 326, 327.  
<sup>2</sup>Onderdonk, **History of the Martyrs**, p. 89.



PRISON SHIP JERSEY

Courtesy of Miss S. K. Dandridge from American prisoners of the Revolution.

care! there's a madman stalking through the ship with a knife in his hands." In the morning the hatches were thrown open and the captives were allowed to descend. The first object they saw was a boat loaded with dead bodies conveying them to the Long Island Shore where they were lightly covered with sand. No English physician attended them.<sup>1</sup>

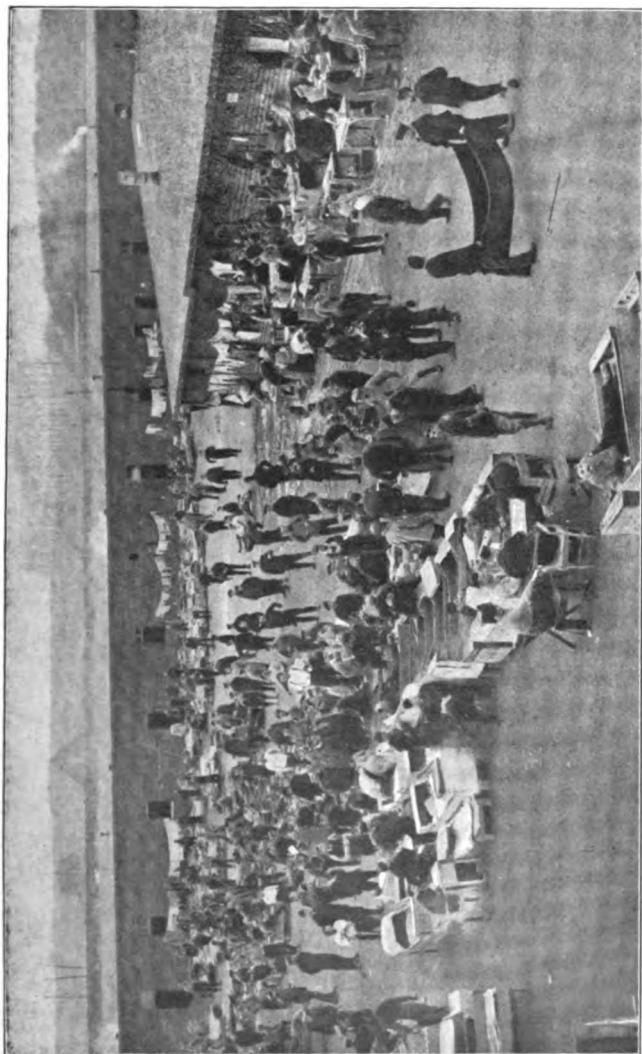
**5. For American Civil War.** During the American Civil War there were enclosures for the prisoners of war taken by the Confederates at Andersonville, Salisbury, Florence, Tyler, Danville, Libby, Pemberton, Castle Thunder, Belle Isle, and at other places. From an examination of the data pertaining to these places of confinement it appears that they were poorly organized. There were prisons in the North also which were also not well organized for the best interests of the captives. More will be related concerning the prisons of the Civil War in another chapter.

**6. For World War.** The instructions for the organization of enclosures for prisoners of war during the World War were very complete, and will be set out in considerable detail. There was established a Central Records Office in compliance with Article 14 of the Hague Convention. Its principal duties were:

1. To receive all reports and maintain records.
2. To collect and keep up to date full information respecting captures, internments, transfers, releases, exchanges, escapes, admission into hospitals, deaths, and such other information as necessary to make an individual return for each prisoner of war. This individual return was required to show the name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounds and death, as well as any observations of a special character. Provision was made for a monthly roster in central prisoners of war enclosures and labor companies. The roster showed the names,

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<sup>1</sup>D. Dandridge, **American Prisoners of the Revolution**, p. 325, 326.



A "COOTIE HUNT" AT MÜNSTER

Courtesy of Carl P. Dennett from *Prisoners of the Great War*.

ranks, and numbers of the prisoners of war, the days of labor performed by each, and such other data as necessary to compute pay and allowance. One copy was sent to the Quartermaster Prisoners of War Information Bureau. Within six months after the battle of Cantigny May 28, 1918, questions of prison enclosures and quarters, transportation, organization, and administration, rations, clothing, labor, medical care, physical exercise, recreation, entertainment, religious services, discipline, release, personal correspondence were definitely settled with but little complaint by the prisoners of war. The Provost Marshall General's Office (P. M. G. O.) which handled the matters pertaining to prisoners of war grew from a small force to 9,200 officers and men who had charge of more than 48,000 prisoners of war. Army enclosure was established at Ligny-En-Barrois. Several thousand prisoners were received there as a result of the offensive of September 12, 1918. The enclosure contained six small pens, each with a maximum capacity of 800 men and three larger pens. An unfinished portable barracks was the only building there on September 13, 1918, because it was necessary to erect as few buildings as possible to prevent the enemy from finding out the plans. A few tents were pitched. Rail shipments of the prisoners were made in solid trains of 2,000 men every two days. A lease of ground at St. Pierre des Corps Indres et Loire was granted August 1, 1918, and an enclosure known as enclosure no. 1 was completed October 1918. Later other enclosures were established at Gievres, Souilly (Meuse), St. Nazaire, and Brest. (*Prisoners of War Division*, P. M. G. O., G. H. Q., pp. 102-117). It was required that a report of violent deaths and injuries be sent to the Central Records Office, A. G. D. A. E. F. through official channels, and that the reports contain all facts concerning the deaths. A duplicate report was sent to the Prisoner of War Information Bureau. A list was required to be made of all personal effects taken from prisoners of war. Commanding officers were required to submit a list of names of all persons captured,

showing the organization, number, and what disposition was made of them. (G. H. Q., A. E. F. G. O. 106, July 1, 1918).

**B. Escort companies.** The guards for prisoners of war of the Americans were divided into escort companies during the World War consisting of three officers and one hundred men. The enlisted men were members of the army service corps. On November 26, 1918, the strength of the company was increased from 400 to 432 and soon thereafter as follows: 1 Sergeant major, 1 asst. sergeant major, 1 mess sergeant, 1 supply sergeant, 8 cooks, 4 hospital orderlies, 4 interpreters, 2 tailors, 2 shoe makers, 400 laborers. (Prisoner of War Division, P. M. G. O. H. Q. 1919 pp. 118-123.)

### C. Food for captives.

**1. General provisions.** Article VII of the regulations, Hague Convention, which provides that the prisoners of war shall be supplied with food of the same quality and quantity as the troops of the captor, even if complied with does not adequately provide for all captives. The *American Instructions*, 1863, art. 76, provides that the prisoners of war ought to receive as nourishing food as is convenient and possible. During the Crimean war the Russian prisoners of war complained that the bread furnished them was too white and asked for the black bread of their native village and organization.<sup>1</sup> Having become accustomed to a certain diet, a more nourishing one does not always satisfy the appetite. Due allowance should be made for the difference of habits and captured supplies should be used if they are available. (*U. S. Manual*, p. 28).

### 2. Special provisions.

**a. Agreement between Great Britain and Germany during World War.** During the World War Great Brit-

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<sup>1</sup>du Payrat, p. 275 citing Alfred Hambaud, *Moscow et Sebastopol*, part IV, pp. 266.

ain and Germany entered into an agreement that sufficient quantity of food be provided for prisoners of war and that it be of good quality, especially meat and vegetables, proper consideration being given to the restrictions imposed on the consumption of food by the civil population of the country. Combatant prisoners of war were to receive as far as possible the same allowance of the rationed articles of food as the civil population. The daily ration of bread was agreed upon to be not less than 2,000 calories for non-workers; 2,850 for laborers doing very hard work. The daily ration of bread was to be not less than 250 grammes, and for ordinary workers there was a daily addition of 100 grammes of bread or other cereals.<sup>1</sup>

b. **Japanese generosity 1904-05.** During the Russo-Japanese war in 1904-05 the Japanese were generous to their captives and gave them nearly twice as much as provided for their own army.<sup>2</sup>

3. **Retaliatory rations during American Civil War.** There was an extreme scarcity of food for the prisoners of war in many of the prisons of the Civil War and to make matters worse—at Fort Pulaski retaliatory rations were ordered. There were many pet cats which entered the enclosures, however, and one day a prisoner of war killed a cat and found that it was good food, and soon thereafter that cats disappeared rapidly. A careless prisoner threw away one of the pelts whereupon it was located by the owner of the cat, and complaint was made to the commandant. The latter begged the prisoners of war not to kill his pet cat and his wishes were respected.<sup>3</sup>

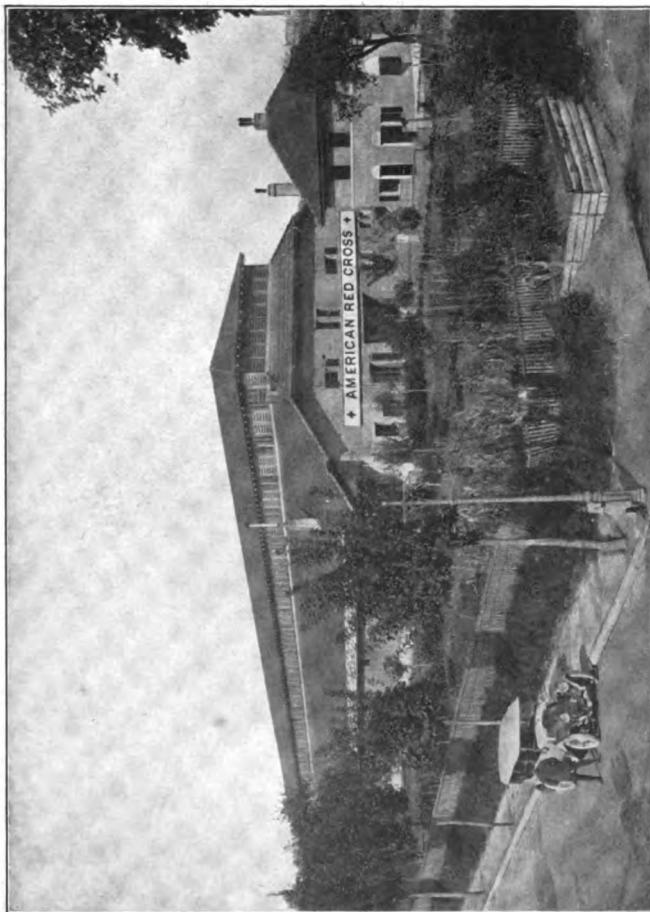
4. **Food furnished by American Red Cross during World War.** During the World War the Americans who were captured were fortunate in having food sent them through the agencies of the American Red Cross and the

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<sup>1</sup>Agreement between the British and German governments concerning combatants, prisoners of war and civilians, October 1918.

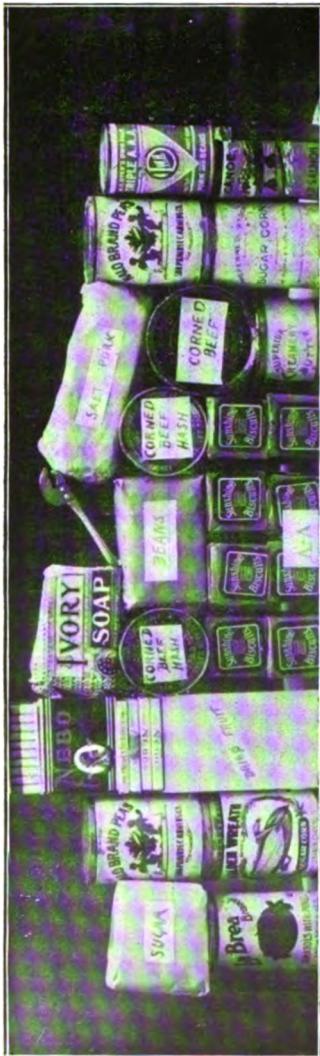
<sup>2</sup>Ariga, p. 113, also U. S. Manual, p. 28.

<sup>3</sup>Fulkerson, Abram, *So. Hist. Soc. Papers*, Vol. XXII pp. 142, 143.



STOREHOUSE FOR RESERVE SUPPLIES AT LAUSANNE

Courtesy of Carl P. Dennett from *Prisoners of the Great War*.



### "ARMY A" FOOD PARCEL (FIRST WEEK)



"ARMY R" FOOD PARCEL (THIRD WEEK)



**"ARMY C" FOOD PARCEL (SECOND WEEK)**



**"ARMY D" FOOD PARCEL (FOURTH WEEK)**

Reproduced by courtesy of Carl P. Dennett from **Prisoners of the Great War**.

International Red Cross at Geneva. Generally speaking sufficient food was sent to keep them well even if they had received none from their captors. (See Chapter X).

**5. Shortage of food by Central Allies,—World War.** During the World War the Central allies did not have sufficient food for the captives, and as a result many of them starved to death.

#### D. Clothing.

**1. General provisions.** The clothing for prisoners of war shou'd be of the same quality, and quantity as that furnished for the troops as provided by the regulations of different nations. The captives retain the clothing which they have at the time of capture. In each enclosure there should be selected from the prisoners of war those who know the art of tailoring and shoemaking, and assigned the task of repairing and making clothing and shoes.

**2. The treaty of July 11th, 1799 between the United States and Prussia.** The treaty of July 11th, 1799, article XXIV, between the United States and Prussia provided in substance that the amount of the expenses occasioned by the captives by one of the contracting powers, should be paid by the other power, after a liquidation of the amount to be arrived at reciprocally at the end of the war.<sup>4</sup>

**3. Japanese regulations 1904.** The Japanese regulations of the 15th of March 1904, provided for an allowance for clothing for the winter of the amounts of 30, 25, 15 or 8 yens, according to whether the captive was a general, a superior officer, subaltern, or non-commissioned officer or soldier; in Summer these amounts were reduced to 12, 10, 6, or 3 yen. Russia promised to reimburse Japan as soon as possible after the exchange of

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<sup>4</sup>Malloy, **Treaties and conventions**, vol. 2, page 1486, **Treaty of amity and commerce between the United States and Prussia**, concluded July 11, 1799.



LIVING AND DEAD ITALIAN SOLDIERS IN THE PRISON CAMP  
OF SIGMUNDSSHERBERG, AUSTRIA

This shows clearly the horrible condition to which they were reduced by starvation.  
These pictures were taken secretly with a very small camera in the Prison  
Camp and smuggled into Switzerland by returning prisoners

Courtesy of Carl P. Dennett from **Prisoners of the Great War.**

accounts showing the difference between the amounts thus paid by Japan and the amount expended by Russia. (Ariga, p. 566).

**4. German instructions of February 15, 1915 and subsequent action.** The minister of war of Germany on February 15, 1915, published a general order upon the subject of prisoners of war which prescribed that new clothing should be furnished when the captive's clothing needed to be replaced. This order was apparently observed to some extent. (Les conventions Internationales, April 1915, p. 41). However, in 1916, Germany prohibited the sending of uniforms to French captives in Germany. By way of reprisal, the French government ceased to furnish new clothing to the German prisoners of war.

#### E. Sanitary services.

**1. Infirmary.** There should be an infirmary of which the personnel may be chosen from the captives. A military surgeon should be detailed for service therewith. The sanitary personnel which is protected by the provisions of the Convention of Geneva should not be treated as prisoners of war but while under the power of the captor, the latter is under an obligation to assure them the same allocations, and the same salary as the personnel of the same grade of the captor. (Convention of Geneva 1906, art. 13, par. 142; U. S. Manual p. 33.)

**2. Agreement between Great Britain and Germany during World War.** It was agreed between Great Britain and Germany during the World War that a certain standard should be maintained in the equipment and organization of officers' camps. The sanitary requirements were set out also in the agreement. For tropical places barracks of corrugated iron were agreed upon only if sufficiently protected against the sun and rain by wood or other suitable material. The senior officer prisoner of war of each enclosure was authorized to inform the protecting legation whether the minimum conditions had been fulfilled. If the commandant should disagree with such report by the senior officer prisoner of war, a

member of the protecting legation might be sent to the camp forthwith.<sup>1</sup> This agreement also prescribed certain floor space per capita for the officers for sleeping rooms, dining rooms, and recreation rooms, and provided for protection against cold and damp, and covered in great detail the matters pertaining to the general welfare of the captives.

**F. Welfare officer.** One of the officers held as a captive may be assigned the duties of a welfare officer. Such a mission was assigned to Samuel B. Webb, an American officer held by the British who was a member of the military family of Washington. The British made known their orders and regulations for controlling the prisoners of war through him, and through him the prisoners sought new privileges or redress of insult or injury. (Ford, *Prisoners of war*, 1778, p. 4.) During the World War similar arrangements were made for the general welfare of prisoners of war. Sergeant Halyburton, Co. F, 16th Infantry, 1st Division who was one of the first prisoners of war of the United States taken by the enemy during the World War performed duties for the welfare of the American captives so effectively that he was awarded the following citation therefor:

"Edgar M. Halyburton (Army Serial No. 42848), sergeant, Company F, 16th Infantry, 1st Division. For exceptionally meritorious and conspicuous services. Sergt. Halyburton, while a prisoner in the hands of the German Government from November, 1917, to November 1918, voluntarily took command of the different camps, in which he was located and under difficult conditions, established administrative and personnel headquarters, organized the men into units, billeted them systematically, established sanitary regulations and made equitable distribution of supplies: he established an intelligence service to prevent the enemy introducing propaganda. His patriotism and leadership under trying conditions were an inspiration to his fellow prisoners and contribu-

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<sup>1</sup>An agreement between the British and German Governments concerning Combatant Prisoners of War and Civilians, October 1918, p. 12.

ted greatly to the amelioration of their hardships. Residence at enlistment: Stony Point, N. C." (210. 52. A. G. O.) (G. O. No. 72, W. D. Washington, Dec. 6, 1920, p. 11.)

Haleyburton's last official order to the American prisoners of war was as follows: Bulletin A: "In view of today's turn of 'events' in this world crisis, it behooves us as honorable prisoners of war and accredited representatives of the American government, to be living exponents of our republican ideals, which in effect can be summed up in a few words, '*Be soldiers! consequently gentlemen at all times.*'"

"You have borne with a noble fortitude the trials of prison up to now. In the present critical period, the time of anxious waiting for an honorable consummation of this war and the resultant joyful reunion of home ties, let us be exceptionally careful of our behaviour and exhibit on all occasions the manly principle inherent in all true sons of the United States.

"Be clean in body at least, and let us remember *clean thoughts* and *clean speech* are invaluable aids to a clean and healthy body. *Wash your clothes regularly;* cleanliness is the foundation of health and the first law of sanitation. Let us feel and act during the remainder of our internment as if we were always on dress parade. We owe it to our country, and should, each and every one of us, be typical examples, pure interpreters, of the magnificent, virile spirit that propagate them—and the surest way to present the tenets of democracy in an impressionable manner is to 'act them.'

"We feel sure that we will have the co-operation of the vast majority of our number in this respect. Nevertheless, should there be any one among us to commit a breach of *soldierly, gentlemanly*, conduct from now until the time when we reach the 'Statue of Liberty' (or our own units in France or England), such misconduct will be reported to the proper authorities and he will most likely receive the punishment he merits. (Signed) Edgar M. Haleyburton." (Friend, John A. *Ex-prisoners of war association prison notes*, World War, 1917-18.)

## CHAPTER VII.

### Police and Discipline

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A. **Laws of war, rules and orders in force for captor army govern.** The modern laws of war oblige the captor state to treat prisoners of war upon the same footing as its own troops.<sup>1</sup> In return the captives are subjected to the laws, regulations, and orders in force in the army of the captor state.<sup>2</sup> This is as it should be,

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<sup>1</sup>Malloy, p. 2282, Art. 7. **Regulations of the Hague, 1907, U. S. Manual**, p. 28.

<sup>2</sup>Malloy, p. 2282, Art. 8. **Regulations of the Hague, 1907, U. S. Manual**, p. 29.

for, if captives share the nourishment, and shelter of the conquered, they ought also to be amenable to the same discipline. The information and experience recorded in many regulations assist in the fulfilment of these laws of war. (du Payrat, p. 284.)

### 1. Regulations.

a. **Of Germany and Russia.** The military regulations of most armies include the disposition in conformity with art. 8, as cited above. According to the German penal code, the prisoners of war were subjected to the provisions of the German military code taking into consideration their grade. (Par. 158)<sup>1</sup> In Russia the prisoners of war were subject to the Russian military laws and regulations, and were accountable to military tribunals. They were so informed when entering under the control of the Russian authorities.<sup>2</sup>

b. **Of Spain and Italy.** The Spanish regulations of 1882 provided that derelictions committed by the prisoners of war are judged in conformity with the laws of the country where they are interned, (Art. 921). The Italian regulations provide that in time of war the prisoners of war should be subjected to military jurisdiction, and observe all the dispositions of a disciplinary nature that the local authority considers it a duty to require of them. It adds that under all circumstances, military persons who are captured be dignified and reserved, and that, even during military captivity, the junior in rank should respect his senior in rank who is a prisoner of war.<sup>3</sup> This provision which is excellent from a point of view of discipline also appears in the Portuguese regulations which provides that among captives the junior should respect

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<sup>1</sup>du Payrat, p. 285. In 1870-71, the German military unit did not then exist; the military code of the States of the Confederation where they were interned was then applied. The rule was the same in Austria, contained in its field service regulations of 1904.

<sup>2</sup>du Payrat, p. 286. Regulations concerning prisoners of war 10th of July, 1877, Art. 59, and Russian Instructions of 14/27, 1904.

<sup>3</sup>du Payrat, p. 285, **Servizio in guerra**, art. 545, 714, 734, 735.

and obey the senior, and that the code of military justice, and the military regulations are applicable to them.<sup>1</sup>

c. **Of Japan.** The Japanese government, in its regulations of 1904, upon the treatment of prisoners of war, ordered that they should be subjected to surveillance, according to the discipline in force in the imperial army, and that they should not suffer any other restraint. This was provided for by a decree concerning the punishment of prisoners of war of the 28th of February, 1905. The crimes and derelictions are subject to the jurisdiction of councils of war.<sup>2</sup> (Art. 8).

d. **Of France.** In France, the code of military justice provides for a council of prisoners of war for all crimes and derelictions (Art. 56), and that the prisoners of war are accountable to the council of war for all the derelictions of which they may be found guilty.

e. **Of the United States.**

(1) **During the American Revolution.** The international rules in use during the American Revolution were adopted and generally followed. Instructions for the guard in one instance are set out below:

“December 17, 1795.

Following Instructions for the Guard were read and unanimously approved of and the Clerk was ordered immediately to transcribe said instructions and give a copy of them to each officer of the guard.

“The committee request that you will pay strict attention to Resolutions entered into respective the prisoners & Guard, and that they be properly executed. You may permit the prisoners (one at a time) to go to the necessary House in the day time attended by two centenaries, you are in general to keep them in their Room and

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<sup>1</sup>du Payrat, p. 286, *Reglement provisoire pour le service des armées portugaises en campagne*, Art. 1094, 1096.

<sup>2</sup>du Payrat, p. 286, See the translations of these documents in the *Rev. dr. int. et de leg comp.* 1906 XVIII, p. 578, 1907, IX, p. 215.

their door locked, but you are to permit the servant to carry them provisions and do other necessary offices in your presence, you are not to let any of the Guard go into the Prisoner Room or converse with them at any time, and you are not to sit or converse with them yourself except in the cases before mentioned.

“You are to take especial care that the prisoners do not make their escape in case they attempt it—and (if) you find it impracticable to prevent it by any other means than firing on them you are immediately to give the Guard Orders for that purpose. You are likewise to be watchful that the prisoners be not rescued, And if any persons attempt it you are to order the Guard to secure such persons, and bring them before the Committee but if you find there is real danger of their letting the prisoners loose, you are to give immediate Orders to the Guard to fire on the persons so offending. You are to keep one or two of the Guard standing centry at the prisoners' door constantly, the Remainder are to stay always in the Guard Room, and you are to see that their Guns be kept well charged, in good order and always at hand, and you keep the Guard from behaving disorderly.

“Resolved that the prisoners now in the care of the committee be kept in close custody (in the room hired in Capn. T. Beatty's house for that purpose by the Guard, but the officer may at his option permit them to walk separately half an Hour every day in the back balcony attended by himself and two centeries.

“Resolved, that no person be permitted to write or speak to either of the prisoners except in presence of one or more of the Committee, and that they be permitted to have use of pen, Ink and in the presence of the Officer of the Guard (or one of the Committee) who is to lay whatever is wrote before the Chairman or one of the committee for examination.

“Resolved, that the utmost care be taken by the guard that every kind of Weapon be kept from the use of the prisoners of war.

“Resolved, that the privates belonging to the Guard

pay due Obedience to the Officer, and that they execute all reasonable Commands." (*Maryland Hist. Soc. Mag.* Vol. II, 1916, 161-2.)

(2) **During American Civil War.** The first complete compilation of a code for the police and discipline of prisoners of war was prepared during the American Civil War by General Lieber and issued for the use of the armies of the United States in 1863 as *General Order* 100. It has since been substantially adopted by the international convention at the Hague, and by many European countries. It is a landmark in the field of international law pertaining to prisoners of war, and to give it proper consideration it is inserted as an appendix.

(3) **During World War.** The *American Instructions* of July 1, 1918 were liberal. They provided that prisoners of war are amenable to discipline under the laws, regulations and orders in force in the Army of the United States. It was provided that every act of insubordination justifies the adoption toward the captives of such measures as may be considered necessary. The Provost Marshal General was placed in charge of the maintenance of discipline. Collective punishment for individual offenses was prohibited. Only such punishment as might lawfully be inflicted upon American troops was authorized. A monthly report of all punishments was required to be made by central enclosure and company commanders to the Provost Marshal General. If tried by a military tribunal, the accused had the privilege of properly preparing his defense, and free communication with the witnesses. For grave offenses counsel of the prisoners own selection was provided if the military exigencies and the necessities permitted it. The death sentence might only be inflicted for an offense for which an American soldier might be capitally punished, and the death sentence could only be pronounced by a general court-martial or military commission appointed by the commander-in-chief. Punishments other than death could be awarded by provost courts appointed by the provost

marshal general and then sentence might be carried into effect when approved by him. The commanding officer of a prisoner of war company or of a prisoner of war enclosure was permitted for a minor offence to impose summarily a punishment not to exceed one month's confinement. (G. O. no. 106, G. H. Q., A. E. F., July 1, 1918.) It was further provided that the law of nature and of nations should be sacredly heeded in the treatment of prisoners of war; that they should be accorded every consideration dictated by the principles of humanity such as is fitting for a generous and chivalrous people toward enemy prisoners of war. No departure was allowed from this rule unless the enemy by the treatment of American prisoners of war in its hands made it necessary. In compliance with the Hague conventions, prisoners of war were retained within fixed limits, but they might not be confined except as an indispensable measure of safety and then only while the circumstances which justified the measure continued. Orders prohibited employment within range of their own fire; and treatment with regard to food, lodging and clothing was placed on the same basis as for American troops. It was directed that the personal belongings of prisoners of war including medals and discs for identification (except arms, horses, and military papers) should remain their property, and the acceptance of gifts from prisoners of war as well as the appropriation of that which belonged to the enemy's dead, was strictly prohibited. They might receive presents, and relief in kind and despatch and receive correspondence, subject only to the necessary and proper surveillance and censorship, and were permitted to enjoy liberty in the exercise of their religion, and their last wills and testaments were preserved for the proper party in interest. The Treaty of Berlin, 1799, was considered to be in force, and by it the prisoners of war were assured wholesome situations. It was ordered that the treaty of Berlin should be scrupulously observed. (G. H. Q. A. E. F. G. O. No. 106, July 1, 1918.) Wishing to safeguard still further the rights of prisoners of war ad-

ditional instructions were given. Attention was invited to Chapter IV *Rules of Land Warfare* which contained the official provisions for the treatment and control of prisoners of war. Members of the American Expeditionary Forces were ordered to interpret the above mentioned rules in a liberal and humane spirit. *To err in the direction of enlightened humanity was to be considered better than the reverse.* Certain provisions of the *Rules of Land Warfare* were contained in a general order so that the *Rules* might be read by the greatest possible number of the expeditionary forces. Certain rules were added by which it was provided that prisoners of war might under no circumstances be employed within thirty kilometers of the front line, except that, when being sent to the rear after capture, they might be required to carry with them their own and the American wounded to a place of safety. Corps and army prisoners of war enclosures were provided with means wherewith to furnish warm meals to the prisoners of war as soon as the latter were received. Hot soup was to be provided even nearer the front, and meals were to be supplemented by supplying tobacco. Shelter, wherever possible, even when far toward the front was to be provided. An idea of the punishments which prisoners of war underwent while being held captives by the Americans during the World War may be acquired from the following record:

Punishments of prisoners of war.

Record kept by Capt. Spaulding.

Name, Lt. Leopold Hirsch; Punishment, 1 week's confinement to quarters; Reason, Tearing down liberty loan poster.

Name, Pat Wenda; Punishment, Confined to quarters 3 days; Reason, Disobedience of orders and disrespect.

Name, Capt. George Harte; Punishment, Privilege of taking walks suspended one week; Reason, Continuously interfering with sentry on walks and insisting on walking too fast.

Well behaved prisoners were given a blue band which authorized the privilege of going outside the enclosure without a guard. The punishments awarded enlisted prisoners of war captured by the Americans were very few because they behaved well as a rule.<sup>1</sup>

f. **Regulations suggested after the World War.** After the World War Mr. Phillimore made a study of the events of that war with a view to having adopted such rules as seemed to be necessary to improve upon those already in force. He concluded that an effort should be made to induce all nations to adopt the following rules concerning the punishment of prisoners of war; there shall be a fixed scale of punishments for breaches of discipline, attempts to escape, etc., and particular provision shall be made for the following:

- (1) There shall be no flogging, torture or any other punishment inflicted on the body of a prisoner;
- (2) There shall be no consecutive or recurrent punishment;
- (3) No bodily violence shall be done to a prisoner of war except in self-defence or to prevent escape;
- (4) No confinement shall exceed 14 days, and no substitute for cells in a camp (that is tying to a stake) is allowed. As it would be inhumane to condemn the young and vigorous to an absolute cloistration, they should be organized as circumstances permit, for military promenades, once or twice a week.<sup>2</sup>

B. **National policy pertaining to prisoners of war.** we have examined the rules and regulations concerning prisoners of war and the time is opportune to inquire whether the national policies of the governments have been in accord with the provisions of the rules, and, if not, to indicate the reason therefor and a method to remove the cause. It has already been stated that the *golden rule* covers what the treatment should be and it may prevent future wrongs by an understanding of the basic cause of former errors.

<sup>1</sup>History of the Bureau of Prisoners of War, Hq. S. O. S. A.E. Ep. 288 at Historical Section General Staff, Washington, D. C.

<sup>2</sup>The problems of peace and war, Grotius Society, Vol. V, p. 58.

### 1. Abuses.

a. **During the American Revolution.** Ethan Allen in an account of American prisoners of war of the Revolutionary period stated, "The prisoners (Americans) who were brought to New York were crowded into the churches and environed by the slavish Hessian guards, \* \* \* I have gone into the churches and seen sundry of the prisoners in the agonies of death, in consequence of very hunger; and others speechless and near death, biting pieces of chips; other pleading for God's sake for something to eat, and at the same time shivering with the cold. Hollow groans saluted my ears, and despair seemed to be imprinted on every [one] of their countenances. The filth in these churches, [places of internment] \* \* \* was almost beyond description \* \* \* They would beg for God's sake for one copper or morsel of bread. I have seen in one of the churches seven dead, at the same time, lying among the excrement of their bodies \* \* \* I saw some sucking bones after they were speechless \* \* \* I was persuaded that it was a premeditated and systematized plan of the British Council to destroy the youths of our land."<sup>1</sup> D. Dandridge commented as follows upon the American prisoners of war taken by the British during the American Revolution: "Upon the best calculations I have been able to make from a personal knowledge, and the many evidences I have collected in support of the facts, I learn that, of the prisoners taken on Long Island and Fort Washington and some few others, at different times and places, about two thousand perished with hunger, cold and sickness occasioned by the filth of their prisons, at New York." Another writer mentions the unfortunate fate of the prisoners of war of the American Revolution in substantially the following terms: In 1808 twenty hogsheads of bones were collected from the shores of Wallabout. As late as 1841 the bones of the victims of

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<sup>1</sup>D. Dandridge, **American Prisoners of the Revolution**, p. 61-62.

Wa'labout Bay were still to be found in and around the navy yard. While digging, some workmen in 1841 found a quantity of human bones, among which was a skeleton having a pair of *iron manacles still upon the wrists.*<sup>1</sup> Bunce, in his *Romance of the Revolution*, speaks as follows of the inhumanity of Cunningham, the British officer, in his management of American prisoners of the Revolution: "Of all the atrocities those committed in the prisons and prison ships of New York are the most execrable, and indeed there is nothing in history to excel the barbarities there inflicted. Twelve thousand suffered death by their inhuman, cruel, savage and barbarous usage on board the filthy and malignant ships. \* \* \* Adding those who died and were poisoned in the infected prisons in the city a much larger number would be necessary to include all those who suffered by command of British generals in New York. The scenes enacted in these prisons almost exceed belief."<sup>2</sup> One writer described their condition in the following manner:

"Let the dark Scorpion's hulk narrate  
The dismal tale of English hate;  
Her horrid scenes let Jersey tell,  
And mock the shades where demons dwell:  
There shrieks of pain, and dying groan,  
Unheeded fell on ears of stone."

—J. M. Scott.<sup>3</sup>

(1) **Commandants.** In carrying out their policy pertaining to prisoners of war of the American Revolution, the British, in one instance, were unfortunate in the selection of a commandant of evil motives and of a despicable character. Humane officers should be detailed for this duty,—men who by nature are kind and sympathetic to persons in unfortunate circumstances,—yet officers who have the necessary firmness of will, and strength of character to deal with prisoners of war who are unruly, disorderly, and who do not respond to kind treatment.

<sup>1</sup>See Thompson's *History of Long Island*, Vol. 1, page 244-246.

<sup>2</sup>D. Dandridge, *American prisoners of the Revolution*, p. 46.

<sup>3</sup>Onderdonk, *Revolutionary Incidents of Suffolk and Kings Co.*, p. 206.

There should be made a special effort before the outbreak of war, and during the continuance of hostilities to determine the characteristics of officers for assignment to duty with prisoners of war. The importance of observing this principle should be remembered better by an example of the evils which follow the failure to apply it. Hence, without desiring to show a lack of appreciation of the humane treatment of the British of their prisoners of war of the World War, and with commendation for their efforts since that time to improve the conditions pertaining to their welfare, the following narrative is set out in considerable detail. Captain Cunningham was the British Provost Marshall in New York during the American Revolution. He was not interfered with by Sir William Home. Cunningham, in drunken orgies, would order rebel prisoners of war to turn out and parade for the amusement of his guests, pointing them out: "This is the damned rebel Col. Ethan Allen", that is a "rebel judge".<sup>1</sup> Cunningham's character is fully portrayed in the Life, Confession and last dying words of Captain Cunningham, Formerly British Provost Marshall in the city of New York, who was executed in London, the 10th of August, 1791.

"I, William Cunningham, was born in Dublin Barracks, in the year 1738. My father was Trumpeter in the Blue Dragoons, and at the age of eight years I was placed with an officer as his servant, in which station I continued until I was sixteen, and being a great proficient in horsemanship, was taken as an assistant to the riding master of the troop, and in 1761, was made sergeant of dragoons, but the peace coming the year following, I was disbanded. Being bred to no profession, I took up with a woman who kept a gin shop, in a blind alley, near the Cole Quay, but the house being searched for stolen goods, and my doxy taken to Newgate, I thought it prudent to decamp; accordingly I set off for the north, and arrived

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<sup>1</sup>Onderdonk, **Revolutionary incidents of Suffolk & Kings Counties**, p. 245-247.

at Drogheda, where, in a few months after, I married the daughter of an exciseman, by whom I had three sons. About the year 1772 we removed to Newry, where I commenced the profession of Scawbunker, which is that of enticing mechanics and country people to ship themselves for America, on promise of great advantage, and then artfully getting an advantage upon them in consequence of which on their arrival in America, they were sold or obliged to serve a term of years for their passage. I embarked at Newry, in the ship Needham, for New York, and arrived at that port the 4th day of August, 1774, with some indentured servants I had kidnapped in Ireland; but they were liberated in New York, on account of the bad passage. In that city I used the profession of breaking horses and teaching ladies and gentlemen to ride; but rendering myself obnoxious to the citizens in their infant struggle for freedom, I was obliged to fly on board the Asia man-of-war, and from thence to Boston, where my own opposition to the measures pursued by the Americans in support of their rights, was the first thing that recommended me to the notice of Gen. Gage; and when the war commenced I was appointed Provost Marshal to the Royal Army, which placed me in a situation to wreak my vengeance on the Americans. I shudder to think of the murders I have been accessory to, both with and without orders from government, especially while in New York, during which time there were more than 2000 prisoners starved in the different churches, by stopping their rations, which I sold. There were also 275 American prisoners and obnoxious persons executed, out of all which number there were only one dozen public executions, which chiefly consisted of British and Hessian deserters.

"The mode for private executions was thus conducted; a guard was dispatched from the Provost, about half past twelve at night to the Barrack street, and the neighborhood of the upper barracks, to order the people to shut their window shutters, and put out their lights, forbidding them at the same time to presume to look out of

their windows and doors on pain of death. After which the unfortunate prisoners were conducted, gagged, just behind the upper barracks and hung without ceremony, and there buried by the black pioneer of the Provost. At the end of the war I returned to England with the army, and settled in Wales, as being a cheaper place of living than in any of the populous cities, but being at length persuaded to go to London I entered so early into the dissipations of that capital, that I soon found my circumstances embarrassed, to relieve which I mortgaged my half pay to an army agent; but that being soon expended, I forged a draft for £300 sterling, on the Board of Ordnance, but being detected in presenting it for acceptance, I was apprehended, tried, and convicted, and for that offense am here to suffer ignominious death. I beg the prayers of all good Christians, and also pardon and forgiveness of God for the many horrid murders I have been accessory to.

(Signed) Wm. Cunningham.<sup>11</sup>

Would it not be much better for prisoners of war if men of true greatness be placed over them? Cannot the necessary firmness be exercised without resorting to cruel and inhuman methods?

b. **Under Napoleon.** Although many individual acts of kindness towards prisoners of war may be related concerning Napoleon his general policy was one of cruelty, and an endeavor to make the enemy fear him by mistreatment of them. He has been called the Jaoler of Europe. When there was no deterring influence he practically made slaves of the captives of Ulm and Austerlitz making them drawers of water and hewers of wood. He announced after the capitulation of Ulm to his army, "They will take place of our conscripts."

Their clothing and foot gear were taken to supply French soldiers. There being more prisoners of war than needed for domestic labor, Napoleon offered to hire

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<sup>11</sup>Onderdonk, Revolutionary Incidents of Suffolk and Kings Co., pp. 247, 248.

out several thousand of the Prussians to Holland and Spain, to be used in those countries. He did not, however, allow them to be sent across the ocean to work in the Spanish mines. He sent many to Naples to his brother Joseph, to be enrolled in the ranks of the Neapolitan army. Those who refused to labor in the fields were to be treated as convicts and set to work building embankments, reclaiming and draining marsh lands. Some were sent to the swamps of the Rhone, marshes of Gascony, wastes of the Charente and Garonne. Some were sent to penal colonies and dreary fever stricken mud flats of Walcheren.<sup>1</sup> Under such a policy by the head of a nation and army there is but little choice for the rank and file of an army to be brutal also. Nor should we be surprised to read of refusal to make quarter by his soldiers for with the desire prevailing to slaughter the captives, the excuse therefor was easy to find.

c. **During the American Civil War.** In a civil strife such as that which the United States underwent from 1861 to 1865, it is difficult to find the exact truth concerning all the matters pertaining to prisoners of war. It may even seem advisable, and preferable not to mention the shortcomings of that war in this regard to avoid stirring up unpleasant memories, passions, and prejudices. Within a few years, however, the few survivors of that conflict will have joined their comrades in the Great Beyond. Time will have healed the wounds left by that struggle, and the descendants of participants of that conflict will be able to consider calmly the records thereof. If a true narrative points out the errors of that struggle for the purpose of preventing a repetition, should not the opportunity be given to consider the facts? With this end in view the effort is here made to treat the subject briefly without passion or prejudice by selecting examples, and determining the basic cause of these inhumanities. The code pertaining to prisoners of war contained in general order No. 100 for the use of the

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<sup>1</sup>Fraser, Edward, **Napoleon the Gaoler**, pp. 1-15.

Union forces was the first of its kind ever prepared giving a good synopsis of the essential matters concerning the control, management, and care of prisoners of war. Its provisions were humane and well thought out. The treatment, however, of prisoners of war both North and South during that war showed that the harsh customs of previous wars had not been forgotten. A careful study of the subject can lead to no other conclusion.<sup>1</sup> James A. Seddon was secretary of war and a personal friend of Jefferson Davis. The military prisons formed a distinct bureau and he was in a large measure responsible for the organization and management of the prisons. He received communications from men in high authority concerning the mistreatment of prisoners of war and merely filed them away. Robert Ould, his assistant, was placed in charge of the Exchange instead of the humane and honorable General Huber. Ould has been charged with unfairness and duplicity. He failed to display the broad and sagacious views of a statesman. To assist Ould brigadier general John H. Winder was selected. When he was ordered away from Richmond the public press exclaimed, "Thank God that Richmond is at last rid of Old Winder! God have mercy on those to whom he has been sent." He went to Andersonville, laid out the prison and purposely omitted providing shelter, cutting down the trees which offered a natural shelter hoping to kill off more of the prisoners of war than could be killed at the front.<sup>2</sup>

The following letter was captured in the confederate archives at Richmond after Jefferson Davis' flight.

Statesburg, S. C. October 12, 1869.

"To Jefferson Davis, President, C. S. A.

Richmond, Va.

"Dear Sir:—Enclosed you will find an account of the terrible sufferings of the Yankee prisoners at Flor-

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<sup>1</sup>John H. Wyeth, **So. Hist. Soc. Papers**, Vol. XIX, p. 47-51.

<sup>2</sup>Isham, Asa B., **Prisoners of war and military prisons**, Chapter VII, pp. 459-70.

ence, S. C. In the name of all that is holy, is there nothing that can be done to relieve such dreadful suffering? If such things are allowed to continue, they will surely draw down awful judgement on our country. It is a most horrible national sin that cannot go unpunished. If we cannot give them food and shelter, for God's sake parol them and send them back to Yankee land, but don't starve the miserable creatures to death. Don't think I have anything for the Yankees; I have none. Those near and dear to me have suffered too much from their tyranny for me to have anything but hatred for them; but I have not yet become quite brute enough to know of such suffering without trying to do something even for a yankee.

Yours respectfully,  
Sabrina Dismukes.<sup>11</sup>

In this letter an account printed in the *Sumpter Watchman* was inclosed giving description of the horrible condition of Federal prisoners at Florence, S. C. It should be remembered that the *Sumpter Watchman* was a southern paper and normally might be expected to overlook some of the shortcomings of the Southern leaders.

(1) **Commandants.** Under a policy of this kind the commandants of prisons may be expected to be of a similar nature. Accordingly the histories pertaining to that period contain many accounts of commandants who seemed to take delight in enforcing a cruel and inhumane policy upon the prisoners of war under their command. General Winder was one of the worst offenders. He had gone to West Point and it was said that he had trouble and that he would have been expelled but for the intercession of John C. Calhoun. He had an intense hatred for Federal soldiers, and was, therefore, an improper person to place in command of helpless captives. On the other hand, Colonel Persons, commanding officer of 25th Alabama Infantry was humane and the following

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<sup>11</sup>Isham, Asa B., **Prisoners of war and military prisons**, pp. 440-441.

has been said concerning him. "Never an officer in command of a prison, North or South, more humane, fair and conscientious in discharging the duties of his position, and loyalty to his government than Colonel Persons." In spite of the wicked General like Winder there were bound to crop out some acts of kindness by soldiers under such men as Colonel Persons. One of the captives related a story of his own experience telling how he had scurvy and of the kindness of a soldier of Company A, 25th Alabama Infantry, who gave him some Irish potatoes stating they were the best known remedy for scurvy. During the Sergeant's entire stay at the prison he took eatables to the captives as a present.<sup>1</sup>

Another commandant who seemed to take delight in carrying out the inhumane policy already announced was General Butler who was given the name of *beast Butler*. On February 25, 1864, he had colored troops, the 36th North Carolina regiment put in charge of a prison pen containing white prisoners of war. The negro guards went through them in search of a knapsack which had been missed and beat the white prisoners of war over the head to compel them to tell who had taken it.<sup>2</sup> At Libby prison the same general policy was followed. There was a standing order to shoot a head if seen at the windows. Sometimes sentries would fire at the windows for brutal mirth. In this way Lieutenants Burns and Hammond were shot.<sup>3</sup> For the purpose of showing again that this cruelty was the result of a policy rather than the disposition of either the captors or captives, a story of a captive is here related. Moran was held a prisoner of war February 1865 at Charlotte, N. C., and escaped and was captured and taken to the home of Dr. Sidney A. Johnston, a relative of Gen. Albert Sidney Johnston, where he was guarded. Although Dr. Johnston's family was ardently devoted to the southern cause Moran was given a meal with plenty of milk and other substantial

<sup>1</sup>Haley, M. J., **The True Story of Andersonville Prison**, p. 71-76.

<sup>2</sup>So. History Soc. Papers, vol. VII, p. 393, by James T. Wells.

<sup>3</sup>Moran, **Bastiles of the Confederacy**, p. 106.

food. His swollen feet were bathed and he was given a good bed before a log fire. On proceeding on his journey the guard allowed Moran to ride his horse because Moran's feet were swollen. Also the remnant's of Pickett's division which fought at Gettysburg, who guarded for a time the Federal prisoners of war taken at Gettysburg, stood guard over the captives a few hours after their famous and fatal charge, shared their last few biscuits with them during the retreat, uttered no uncivil word, but bore themselves as nobly with their prisoners of war as they had bravely with their armed foes.<sup>1</sup> At Belle Isle prison the policy was a harsh one. Under it Sergeant Hiatt, a big Baltimore pugilist, had many opportunities to afford himself pleasure from the sufferings of the captives. He would take some small planks and arrange them in the shape of a house roof, one end on the ground, and the other three or four feet high. He would cover them with a slippery substance, take his victim, tie his hands behind him and compel him to try to walk up the planks, urging him on with the bayonet, only to fall on his face causing blood to gush out from his nose, mouth and ears. Such scenes were of daily occurrence. A cruel wooden horse was there and many were required to ride it until they were literally turned to human clay. Other stories of men tied in stocks, chased by bloodhounds, starved by thousands, and of the sweltering masses of humanity penned up under a hot sun without shelter so that watery blisters formed on their bare heads could be told but space does not permit. In all this suffering and chaos the colonel of an Alabama regiment pleaded for better treatment of the prisoners of war under his care at Andersonville. (Fosdick, Charles, *500 Days in A Rebel Prison*, pp. 18, 19; 3-84; 55.) As far as the supply of provisions for prisoners of war of the South was concerned one of those who was a captive in Virginia and was placed on parole and made purchases for the captives was of the opinion that the

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<sup>1</sup>Moran, *Bastiles of the Confederacy*, p. 106, 102, 103, 104.

Southern people were short of rations as well as the prisoners of war. In his walk through the Richmond streets to Castle Thunder during which he crossed Main Street in the morning hours, he met women going to market dressed in black generally with saddened faces who looked as if they were widows or orphans. The figures were wan for the whole town was living on restricted rations. Great wads of Confederate money were carried in the market baskets but they had but little purchasing power. For a basket full of this currency there would be received in exchange a dozen or two ears of corn or a little ground meal, and now and then as a special luxury a piece of mule steak. One morning an egg was brought in, and the General said "Gentlemen, I do not usually claim the privileges of rank, but it is my impression that that egg properly belongs to the officer in command." No objection was raised. The egg was boiled but when placed on the table it was the unanimous decision that as far as *rank* was concerned, it could be appropriated by anybody who wanted it.<sup>1</sup>

The treatment of the prisoners held by the Federal troops was none too good. At Point Lookout at the mouth of the Potomac, 40 acres of glaring white sand, destitute of a single tree or shrub, was used for a prison pen. In winter when the high tide flooded the suffering of the half clad prisoners of war, accustomed only to a southern climate, was terrific. At Elmira, New York, a man named Hale, one of the Stonewall Brigade, having refused to compromise others by telling where some whiskey had been obtained, had his thumbs tied behind his back and the ropes drawn up across a beam overhead until his whole weight rested upon them. The customary punishment for such an offense was confinement in the guardhouse only. Still refusing to tell, he was gagged and struck in the face with an oaken billet, and his front teeth were knocked out and his face was covered with blood. A negro guard hailed a prisoner of war named

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<sup>1</sup>Putnam, George Haven, **A Prisoner of War in Virginia, 1864-5.**  
p. 77, 78.

Potts, a harmless prisoner, ordered him to stop, and shot him while he was standing still.<sup>1</sup>

#### d. During the World War.

(1) **By the United States.** As far as it has come to the attention of the writer the national policy of the United States during the World War as well as the national regulations was most humane. No information tending to show cruelty to captives similar to that of the civil war has been found. It is believed that the code pertaining to prisoners of war was carried out in good faith. It would be a more agreeable task to write a similar history of all participants in that struggle.

(2) **By the Germans,—frightfulness.** In the case of Germany at least, however, the facts do not justify such action. On the other hand, it appears that for sometime prior to that war the imperialistic doctrine of Germany "über alles" had thoroughly permeated the military forces. Frightfulness was a definite policy of the German government. The following is inserted to indicate what the national policy was.

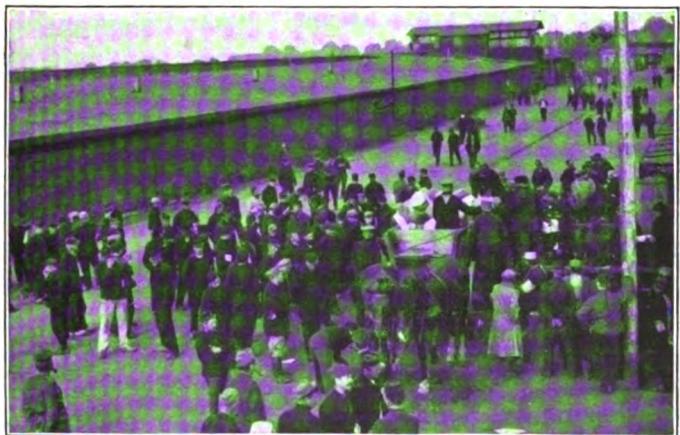
"I was an eyewitness to crime to which, measured by the standards of humanity and civilization, impressed me as worse than any individual excess, any individual outrage, could ever have been or can ever be; because these crimes indubitably were instigated on a wholesale basis by order of officers of rank, and must have been carried out under their personal supervision, direction and approval. Briefly, what I saw was this: I saw wide areas of Belgium and France in which not a penny's worth of wanton destruction had been permitted to occur, in which the ripe pears hung untouched on the garden walls; and I saw other wide areas where scarcely one stone had been left to stand upon another; where the fields were ravaged; where the male villagers had been shot in squads; where the miserable survivors had been left to den in holes like wild beasts.

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<sup>1</sup>Prison Pens North, So. Hist. Soc. Papers, Vol. XVII, 335-6-7,  
Hon. A. M. Keiley.



**ALL PRISONERS WERE COMPELLED TO FACE TOWARD THE  
GERMAN OFFICERS IN PASSING**



**PARCEL DAY IN A GERMAN PRISON CAMP**

Courtesy of Carl P. Dennett from **Prisoners of the Great War**.

"Taking the physical evidence offered before our own eyes, and buttressing it with the statements made to us, not only by natives but by German soldiers and German officers, we could reach but one conclusion, which was that here, in such and such a place, those in command had said to the troops: 'Spare this town and these people.' And there they had said: 'Waste this town and these people.' And here the troops had indiscriminately spared and there they had indiscriminately wasted, in exact accordance with the word of their superior."<sup>1</sup> Even the German papers condemned the policy. On August 24, 1914, the *Vorwärts* had the following editorial against barbarism. "One might, in the first place, possibly believe that such a demand for a bloody vengeance (against alleged Belgian outrages) emanates from a single disease-racked brain; but it appears that whole groups among certain classes that represent *Kulture* want to indulge in orgies of barbarism and to devise a whole system for a 'war of revenge.'

"What of law and custom! Such thoughts do not stir a 'great nation.' "<sup>2</sup>

A German soldier who asserted that he was an eyewitness reported as follows concerning the slaughter in the *Masurian* swamps and lakes; "It was frightful, heart-rending as these masses of human beings were driven to destruction. Above the terrible thunder of the cannon could be heard the heart rending cries of the Russians; 'O Prussians! O Prussians!' But there was no mercy. Our captain had ordered: 'The whole lot must die; so rapid fire.' As I have heard five men and one officer on our side went mad from these heart-rending cries. But most of my comrades and the officers joked as the unarmed and helpless Russians shrieked for mercy while they were being suffocated in the swamps and shot down. The order was: 'Close up and at it harder!' For days afterwards those heart-rending yells followed

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<sup>1</sup>Cobb, Irwin S., *Speaking of Prussians*, New York, 1917, pp. 33-34 cited in *German War Practices*, p. 13-14.

<sup>2</sup>*German War practices*, p. 20, January 1918.

me and I dare not think of them or I shall go mad. There is no God. There is no morality and no ethics any more, but only beasts. Down with militarism."<sup>1</sup> "This was the experience of a Prussian soldier, at present wounded, Berlin, October 22, 1914.

"If you are a truth loving man please receive these lines from a common Prussian soldier."

Another soldier of the Eastern front Russian Poland, December 18, 1914, reported as follows: "In the name of Christianity I send you these words. My conscience forces me as a Christian German soldier to inform you of these lines. Wounded Russians are killed with the bayonet according to orders, and Russians who have surrendered are often shot down in masses according to orders, in spite of their heart-rending prayers. In hope that you, as the representatives of a Christian State, will protest against this I sign myself"

"A German soldier and Christian. I would give my name and regiment but these words could get me court-martialed for divulging military secrets."<sup>2</sup>

Conduct similar to that above described may be expected when the Kaiser's attitude is considered. On July 27 the Kaiser went to Bremerhaven to bid farewell to the German troops, as they were drawn up, ready to embark for China, he addressed to them a last official message from the fatherland. The local newspaper reported his speech in full. It contained this advice and admonition from the emperor, the commander in chief of the army, the head of Germany.

"As soon as you come to blows with the enemy he will be beaten. No mercy will be shown! No prisoners will be taken! As the Huns, under King Attila, made a name for themselves, which is still mighty in traditions and legends today, may the name of German be so fixed in China by your deeds that no Chinese shall ever again dare even to look at a German askance. \* \* \* Open the way for *Kultur* once for all."

<sup>1</sup>German war practices, p. 18, 19.

<sup>2</sup>German war practices, p. 19.

Efforts were made to suppress this speech. The leader of the social democrats Herr Bebel, spoke pointedly in the German Reichstag against this speech of the kaiser. He said: "By it a signal was given, garbed in the highest authority of the German Empire which must have most weighty consequences not only for the troops who went to China but also for those who stayed at home. An expedition of revenge so barbarous as this has never occurred in the last hundred years and not often in history; at least, nothing worse than this has happened in history, either done by the Huns, by the Vandals, by Ghenghis Khan, by Tamberlane, or even by Tilly when he sacked Magdeburg."<sup>1</sup> The policy of frightfulness had previously been advocated by the German generals Von Clausewitz, von Hartmann, and Von Moltke.<sup>2</sup> When the commander in chief of any army announces such a policy the subordinate commanders for the purpose of looking to their own laurels must quietly submit thereto regardless of their own conscientious scruples or be weeded out as "dead timber." This policy was even sanctioned in the German regulations for the armies in the following language, "Since the tendency of thought in the last century was dominated essentially by humanitarian considerations which not infrequently degenerated into sentimentality and flabby emotion there have been not wanting attempts to influence the development of the usages of war in a way which was in fundamental contradiction with the nature of war and its object. Attempts of this kind will also not be wanting in the future, the more so as these agitators have found a kind of moral recognition in some provisions of the Geneva convention and Brussels and Hague conferences. By steeping himself in military history an officer will be able to guard himself against excessive humanitarian notions; it will teach him that certain severities are indispensable to war, nay more, that the only true humanity very often lies in a ruthless application of them." The kaiser sowed to the wind and has reaped the whirlwind.

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<sup>1</sup>German war practices, p. 7, 8.

<sup>2</sup>German war practices, p. 5-7.

Other instances of unnecessary cruelty to captives by the German forces were related by Alphonse Gaillard who was at Mannheim April 1916. He saw Russian captives returning from the French front where they had been sent in reprisal. They were in rags, and ghastly, and so weak that they often fell. Gaillard was sent in reprisal to the vicinity of Forbach in the valley of the Murg (Baden). The captives were brutally treated at that place. Gaillard was then sent to Raumynsach to work on a tunnel. At Kommando Freitag, a sentinel broke a Frenchman's arms with the butt of his rifle, and at Kommando Krappe, in the autumn of 1916, a foreman seized a hatchet and hit a man on the head who paused for an instant. Many Roumanians were sent to the Alsace front to dig trenches in 1916 and were abused by their guards. Because they suffered from hunger, they went during the night at the risk of being shot and cut the barbed wire and entered the French prison camp to ask for bread. The French gave but little for they could not spare much. The captives would also go to the garbage cans containing the food for the camp pigs. The sentinel struck the Roumanians but they returned when the guards turned their backs.

The Russians whom Gaillard saw at Mannheim were told they would have to go back to the French front in October 1916. They murmured and refused to go. The Germans sent them back and deprived them of food. They refused again to go the next day and were kicked and beaten. They threw themselves upon the ground. The Germans rushed to the kitchens and returned with boiling water which they poured over the Russian captives who sprang up but fell down again and remained motionless. The German guards took charge of them striking the captives unmercilessly and causing much blood to flow from their victims. Ten were killed and fifty wounded.<sup>1</sup>

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<sup>1</sup>Dennett, **Prisoners of the Great War**, pp. 200-210.

Captain Henderson of the British Territorials reported that after he had been left without treatment for seven days with the fleshy part of the thigh torn away and with the sciatic nerve exposed, when a German Red Cross doctor, a woman, entered the cattle car in which he was being transported, she declined to dress the wound because it smelled badly. He reported also that the German Red Cross Nurses showed the utmost neglect and contempt for the wounded allied captives, and that the German doctor often struck the exposed sciatic nerve to make him groan or to show signs of pain.<sup>1</sup>

Cornelius Winant, of New York, an American serving with the French, who escaped from captivity reported to the American Red Cross commissioner many abuses of captives of which he had been an eyewitness. At the German prison camp at Giessen when one of the captives failed to keep up to his position without a word of warning the guard kicked the captive with full force in the stomach. The prisoner of war dropped unconscious and was carried away.

During the typhus epidemic at Wittenburg the camp was occupied principally by Russians and the German officials withdrew all medical attention. They refused to supply the common hospital necessities including beds and bedding.<sup>2</sup>

(a) **Commandants.** But in spite of the German doctrine of *Kultur* and the policies above mentioned some of the German camp commanders had kindly impulses and were truly interested in the welfare of the prisoners of war under their care. The kindly feeling was in such cases mutual, the prisoners of war having real affection for their commandants. Even such commandants were often handicapped by military regulations, sometimes by facilities to care for the prisoners, sometimes by lack of executive ability to use to the best advantage the materials sent to them. The commandant at Parchin who was

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<sup>1</sup>Dennett, *Prisoners of the Great War*, p. 217.

<sup>2</sup>Dennett, *Prisoners of the Great War*.

in charge of a camp of 35,000 stated that he was recalled to military service from his own business and that he had firmly resolved to come out of the difficult and disagreeable duty with a clean conscience. He infused this spirit throughout his entire staff to such an extent that care and consideration for the prisoner of war was evident throughout the camp. The staff and noncommissioned officers and even members of the guard take their cue from the commandant. If the latter is humane and gentle, the entire camp has that atmosphere. If he is brutal the camp is harsh and inhuman. Careful selection should, therefore, be made to obtain commandants who have the essential characteristics, in short, who are humane,—who will try to apply the golden rule, and their control of the prisoners of war will likewise be as gentle as the national policy will permit them to be.<sup>1</sup>

**C. Reprisals.** The practice of reprisals against prisoners of war should be heartily condemned. It works out as follows: By retaliation a nation hopes that the severity of the reprisals will compel the adversary to yield; and if the adversary proceeds to further steps, they are countered by still more rigorous measures, and there develops ultimately a practice of reprisals which is a barbarous competition, the motive of which is vengeance, and the punishment is borne by those who are innocent and powerless until their cries of suffering touch their governments and compel them to renounce the measures taken against the prisoners of war in their hands. To make the matter worse the reprisals are often provoked by inaccurate information.<sup>2</sup> No effort will be here made to outline the history of this practice. It has existed for a long time, and was not uncommon during the World War. The matter was taken up by the International committee of the Red Cross with a view to appealing to the sense of justice of the belligerents for the

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<sup>1</sup>McCarthy, *The prisoner of war in Germany*, pp. 17, 20, 25.

<sup>2</sup>Reprisals against prisoners of war. Correspondence between the International Red Cross Committee and the British government, 12, July, 1916, p. 6.

purpose of putting a stop to the practice. On August 11th, 1916, the attention of the belligerent nations was invited to the fact that a number of outrages had been committed by the Germans among which were the criminal desertion by the German authorities of the camps of prisoners of war at Wittenberg and Gardelegen at a time when the unfortunate captives interned there were stricken with disease; confiscation by the Germans of about 20 per cent. of the remittances sent the British prisoners of war (combatant and civilians) interned in Germany; and the execution of the captain of the steamship *Brussels* after he had been sentenced to death for having committed an act of self-defense well recognized by the laws of war on sea. But the Red Cross nevertheless recommended that no resort be made to reprisals but a request made to neutral nations to impress upon the enemy the considerations of humanity and justice.<sup>1</sup> It seems that such an appeal is about the only means left for stopping such practices. And when the principal nations are at war as was the case in the World War the force of an appeal of the few neutral countries left may not be expected to have much effect.

**D. Inspection staff of trained sociologists.** To look after the interests of prisoners of war to the best advantage, there should be an inspection staff of trained sociologists and sanitarians organized preferably from non-military persons in order that they may be free from covering up military mistakes but who should, nevertheless, report to the secretary of war. The German army had its own inspection service which was inefficient and useless.<sup>2</sup> The professional army surgeon whether he likes it or not is a part of a distinctive military machine; and realizing that he is a part of such machine looks at the problems from the military viewpoint and is con-

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<sup>1</sup>The International Red Cross Committee to Belligerent and Neutral Countries, Foreign Office, August 11th, 1916. See also Reprisals against Prisoners of War correspondence between the International Red Cross Committee and the British Government.

<sup>2</sup>McCarthy, *The Prisoner of War in Germany*, pp. 263-270.

cerned more with the health and efficiency of men than reconstructive work after the soldiers such as prisoners of war have been rendered unfit for service.<sup>1</sup>

**E. Political camps.** For the purpose of obtaining special consideration from the government to which the prisoners of war owe allegiance, the captor government sometimes establishes what are known as political camps. An effort is made to induce the prisoners of war by kind treatment to be disloyal to their home government and join the forces of the captor's government. During the World War camps of this nature were located at Limburg and Zossen, Germany. Exceptionally kind treatment was extended to the prisoners of war at those places not from any principle of humanity, but to induce them to abandon the service of the allies when captured to fight for Germany. During the first eighteen months of the war some Irish prisoners of war both officers and enlisted men were segregated in camps apart from the British captives. One commandant talked to his men and stated that the emperor was aware of the downtrodden state of Ireland, and wished that the Irish captives be placed in a separate camp, where they would be better fed and treated better than the English captives. The Irishmen, however, went in a body to the commandant, and said they wished to have the same treatment as their compatriots of the other parts of the British Empire. Sir Roger Casement was sent to the Limburg Camp to give a series of lectures. The lectures were poorly attended and as soon as the real purpose of them was disclosed serious trouble developed in the camp whenever Casement appeared; in fact a guard had to be sent with him to protect him from the indignant Irishmen. After every inducement had been held out for a long time, including freedom of the prison camps, and especially the privilege of having an Irish regiment of their own with green uniforms and a harp embroidered on the coat, only

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<sup>1</sup>McCarthy, **The Prisoner of War in Germany.**

thirty-two men volunteered for the new regiment from four thousand captives. The thirty-two were despised by their compatriots.

After the failure of such methods the Irish captives were subjected to rigid discipline and limitation of liberty. The leaders in this antagonism to German diplomacy were removed from the main camp to others among which were working camps where they were forced to live on the camp foods without receiving their packages and letters which would normally have been forwarded to them. Bitter complaints were made to the effect that men too ill to get out of bed were ordered to leave in violation of the orders of the medical officers.

A Roman catholic priest, an Irishman, who had been assigned to the camp by special agreement with the vatican refused to countenance Casement and the German propaganda. He was accordingly interfered with in his religious functions and eventually ordered out of Germany. Later he was allowed to continue his work provided he would conform more nearly to the wishes of the German authorities. Professor Delmer stated that "among the Irish prisoners at the camp at Limburg the Germans tried even to use the priest as their tool. After Roger Casement had exhausted his arts trying to persuade the men to desert the flag, Father Corrotty, whom I look upon as one of the heroes of the war, was asked by his German mentors if he would speak a word of authority to the waverers at mass. 'Men of Galway, Clare, and Connaught,' he said, 'the German emperor wants you to fight on his side. Some people have been telling you it is the proper thing for you to do. I have been asked to tell you the same, but I was sent to you by His Holiness the Pope, not to talk polities to you, not to mislead you, nor to be a procurer for any king or kaiser on earth, but to tell you in the name of God and the holy church what is good and right for men to do. As a priest of God I tell you it is your duty as good catholics to keep your oaths you have taken, to be loyal to your

king, and that I have to say to you this day. May the grace of God rest on you and help you.' ”<sup>1</sup>

Reprisals by the Germans were not uncommon after the Casement visit. An investigation was made which met with obstacles. To prevent a proper investigation a courtmartial was ordered and no one was allowed to talk with the prisoners of war until trial should be completed. This was to prevent proper investigation by neutral delegates.<sup>2</sup>

Another instance of similar methods being used was the crusade for the conversion of the Mohammedan prisoners of war. Members of the Turkish government visited the camp at various times. The following talk was given by Mustafa Redin Bey, Turkish member of Parliament and president of the Society of National Defense:—

“We are very happy to have been invited here by the Imperial German government. We bring to you the greeting of our rulers and our Sultan, who are brothers of the same faith. For a soldier it is a great misfortune to be taken prisoner. You, however, have not the justification that you have fought for your faith and your race. You have been drawn into this struggle by force. Thanks, however, to the extraordinary goodness of the High German Government, they have taken cognizance of your religion, your customs, and manners, yes, even more, namely that which has been lacking in your home, learning to read and write, is here extended to you. They have called here special teachers to give you special instructions in your religion and speech. We hope that you will prove thankful for this and what you have here learnt you will spread in your homes amongst your brothers. Bear in mind always that you are children of the Turkish people, a people of nearly 7,000,000 souls, a race that inhabits a region from the Balkans to Mongolia. When you consider this, may the time hasten and the day come when we, I hope, will be united and nationalized

<sup>1</sup>McCarthy, **The Prisoner of War in Germany**, p. 124.

<sup>2</sup>McCarthy, **The Prisoner of War in Germany**, p. 124.

in a single race. In conclusion I invite you in thankfulness, in gratitude to remember in your prayers and to praise our exalted rulers, the Sultan, his illustrious ally, Kaiser Wilhelm II, our victory crowned allied armies and the great German and Turkish peoples. Sie lieben hoch! Ischak Yaschasyn."<sup>1</sup> To do good for an ulterior purpose and with the motive that could not ever be considered a virtuous one seemed to be the object of the political camps.<sup>2</sup>

**F. Offense prior to capture.** Prisoners of war are punishable under the jurisdiction of the captor States for all their crimes and derelictions, whether under military or common law, committed *during* their captivity. May they also be punished for crimes and derelictions committed *before* their capture? They may not be punished criminally merely because they have taken part in the war for in so doing they simply perform their duty. They may, however, be punished for violations of the laws of war, or for crimes committed before their capture upon the territory or to the prejudices of the State which later makes them prisoners of war. As Lieber stated in the *American Instructions* of 1863, it is advisable that an individual when engaged in the army of an enemy state if captured should be held responsible for his former offenses for which he has not already been punished.<sup>3</sup> Respect as a captive should not begin until the absolution of the criminal. The course of justice may be arrested only by an amnesty or similar methods. The question whether prisoners of war should appear before the judges of the common law for crimes or derelictions not military, committed before the war, is to be answered according to the procedure of each country. If the military authorities can foresee acts of rebellion among the captives, the latter should be required to undergo such measures as the situation demands.

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<sup>1</sup>Nord Deutsch alg. Ztng. May 30, 1916. Cited by McCarthy, **The Prisoner of War in Germany**, pp. 133, 134.

<sup>2</sup>McCarthy, **The Prisoner of War in Germany**, pp. 133-135.

<sup>3</sup>Lieber, Art. 59; also U. S. Manual, p. 30.

**G. Censorship.** It is not practicable to allow prisoners of war to enjoy secret correspondence. It would furnish them the means of carrying out plans of escape, or a plot, or of sending to their country valuable information concerning the enemy. Prisoners of war correspond only by open letters, postal cards, or telegrams; these messages should be deposited in a special box established for that purpose in the enclosures. The commanders of such places should be required to have the proper examination made of them. All that are reduced to cipher or which cause suspicion should be rejected. Correspondence addressed to the prisoners of war should be sent to them after due examination but useless scrutiny should be avoided. Prisoners of war should be allowed to send or receive, under proper supervision, sums of money or parcels. These parcels, as well as letters, are free from all postal tax in the country of origin and also in the country of destination, and intermediate countries, by virtue of article 16 of the regulations of the Hague concerning the laws of war. Telegrams do not enjoy this franchise.<sup>1</sup> Prisoners of war should not be permitted to read the current newspapers for the same reason that they may not send letters without having them censored.

**H. Visitors.** Entrances to the enclosures of prisoners of war should not be open to all persons who desire to visit them for strangers may assist the captives to escape. If after proper inquiry it is found that the visitors will act in good faith and not cause any disorder or assist the prisoners to escape they should be allowed to visit the captives thus making them cheerful. However, visits to prisoners of war should not be allowed solely to satisfy curiosity. Visits by the families of prisoners of war for a long period of time offer good precaution

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<sup>1</sup>du Payrat, p. 289, citing Japanese regulations of February 1904, art. 25, 26, 32; N. Ariga, p. 96, Japanese regulations regarding postal service and pertaining to prisoners of war of the 3rd of March 1904, translation Akiyama, in the *Revue de dr. int. et de leg. comp.* 1906-1907; U. S. Manual, p. 32, 33.

against escape, and for this reason prisoners of war may be permitted to have their families share their captivity. The French regulations made provision for such visits after obtaining permission from the minister of war upon the recommendation of the commanding general of the area. In these cases the captives after first giving their promises in writing not to escape, and to conform to all measures of surveillance prescribed by military authority and especially to carry cards and photographs for the purpose of identification live in a village outside the enclosures (art. 65). The Japanese regulations of the 18th of March 1905, contained similar provisions.<sup>1</sup> These were put in practice during the Russo-Japanese war and proved very judicious for the desire to see their families is often the principal motive of escape.<sup>2</sup>

**I. Physical violence.** It has already been emphasized that the policy of a government should be humane. International law also prescribes this course. It will bear repetition here, however, that the modern idea of the word *humane* does not carry with it physical violence. Even as late as the world war German officers would strike the prisoners of war using the butts of rifles and beat them cruelly with sticks to enforce obedience. Although the *instructions* of Germany which were issued on April 15, 1917, to officers in charge of working parties provided that "if obstinate disobedience is given to the orders of the guard and he cannot enforce obedience in any other way the guard may use the butt of the rifle," the same *instructions* contained the following, "blows with the hand or fist, or with sticks or clubs, and kicks are forbidden." It was furthermore provided that except in most unusual cases, it is inexcusable to lay hands on a prisoner." The better view seems to be that except in self defense or to prevent escape, it is

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<sup>1</sup>du Payrat p. 296 citing the translation of the regulations in the *Rev. de droit int. et de leg. comp. 1907*, L. IX. pp. 220, 224.

<sup>2</sup>du Payrat p. 297 According to N. Ariga, the Russian prisoners of war whose families visited them at Matsouyama returned to live in that locality. *Guerre russo-japanaise*, p. 119.

contrary to the laws and customs of war to strike a prisoner of war at all.<sup>1</sup>

**J. Interpreters, translators of orders.** To prevent punishment of the innocent for failure to obey orders interpreters and translators should put all the orders and instructions in the language of the prisoner of war, and complete explanation should especially be made of all instructions to the prisoners of war who cannot read any language.

**K. Entertainment.** If prisoners of war are properly entertained they think less of evil deeds, and the problem of discipline and police is much less difficult. This principle has long been practiced but not to the extent that it should have been in many instances. Even at Libby prison during the American Civil War,<sup>2</sup> some efforts were made to afford proper entertainment for the captives. During the World War provisions for the entertainment of prisoners of war were in many places very satisfactory. Committees of the prisoners of war took charge of the entertainment and in this way made the life of the captives much less disagreeable than it would otherwise have been. It is important to look after the entertainment of prisoners of war also to prevent homesickness or nostalgia. To assemble large bodies of men in crowded quarters apart from the restraint of home and friends and female society, for many years has a most degenerating effect upon them. One prisoner of war of the American Civil War wrote as follows concerning his prison experiences. "I now began prison life in earnest, and none but those who have experienced it can approximate an idea of its wretchedness. This does not consist in loss of liberty, in absence from home, in subjection to others' control, insufficient food, in scant clothing, in loss of friends, in want of occupation, in an exposed life, in the absence of all conveniences of living.

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<sup>1</sup>The Problems of Peace and War, Grotius Society, Vol. V, p. 58.

<sup>2</sup>Bourdy, Army and Prison Experiences with the Fifth N. Y. Cavalry, p. 261.

God knows, all these are bad enough, and contribute in the aggregate greatly to the enhancement of misery of a prisoner. I think, however, that the great overshadowing agony of imprisonment to persons of any culture is isolation."<sup>1</sup> Certainly there is a good deal of truth in this statement, and every effort possible should be made by those in charge of prisoners of war to prevent this feeling of homesickness for it is the cause of many deaths.

L. **Religious toleration.** The prisoners of war should be granted religious toleration and such has been the practice.<sup>2</sup> The French chaplains who went through the cities of Germany during the Franco-Prussian war were pleased with the good grace with which Prussian authorities assisted them in their task. "At Gologau," said R. F. DeDamas, "I had thirteen thousand prisoners of war to visit and nothing was ready when I descended from the train. Within two hours a first lieutenant of the landwehr, M. Schmidt, organized everything \* \* \* The Governor of the province of Koenigsburg is truly a man of good heart and perfect manner."<sup>3</sup> In the Russo-Japanese war the Japanese government applied rigorously the text of article 18 of the Regulations of the Hague. The Russian bishop Nicholas was authorized to reside at Tokio during the Russo-Japanese war and sent orthodox priests to all the depots and places of internment of these prisoners of war. Those men who were not members of an orthodox church were authorized to follow the religion which they preferred.<sup>4</sup> Prisoners of war captured by the Americans during the World War were allowed full latitude in their religious services. About January 1, 1919, an effort was made to obtain chaplains for service among the prisoners of war but without success. Local chaplains held occasional ser-

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<sup>1</sup>Holmes, Clay W., *Elmira Prison Camp*, 1912, p. 7.

<sup>2</sup>U. S. Manual, p. 33, Hague Rules, Art. XVIII.

<sup>3</sup>du Payrat, p. 298 citing R. P. DeDamas *Souvenirs de la guerre et de captivite*; also Abbe Hambaud, *Six mois de captivite a Koenigsburg*; R. P. de Joseph, *Captivite a Ulm*.

<sup>4</sup>du Payrat, p. 289 citing Ariga, p. 119.

vices. But May 31, 1919, above thirty-two companies had been reached. Attendance at the services was very good. Several songs were sung and passages of scriptures were read. The Knights of Columbus provided the Catholics with such things as were essential to their worship.<sup>1</sup>

**M. Juridical effects.** A prisoner of war of antiquity was deprived of his ordinary rights to administer an estate. He recovered his right only at the end of his captivity, by virtue of a juridical fiction called *postliminium* by which he was considered as not having been a captive.<sup>2</sup> Under the provisions of modern law, a prisoner of war does not lose his legal rights. Captivity does not force on him any incapacity and, in principle, does not place a nullity on his agreements, except subject to examination of the circumstances which have surrounded the formation of the obligation. The captor state should, therefore, permit the prisoners of war to perform private acts and to carry on their interests in their native country or in a foreign country and he should not be deprived of the aid of lawyers whenever needed for various personal matters.<sup>3</sup> As for the public acts of a civil nature pertaining to prisoners of war, they may be performed under the same conditions as applicable to military persons of the national army in campaign. Article 93 to 98, the French Civil Code modified by the laws of the 8th of June, 1693, and of the 17th of May, 1900, contain information on this point. Prisoners of war should be permitted to make wills under the same conditions as a soldier of the national army. This right is recognized by Hague Rules, art. XIX, and by the regulations of the different countries.<sup>4</sup>

<sup>1</sup>History of the Bureau of Prisoners of War, Hq. S. O. S. A. E. F., p. 70-71.

<sup>2</sup>Justinian, Institutes, p. 124, 175, translation by T. C. Sanders; Kent, Commentaries, Vol. I, p. 119, 120, 121, 122.

<sup>3</sup>du Payrat, p. 299 citing French Law of February 28, 1872.

<sup>4</sup>U. S. Manual, p. 33; du Payrat, p. 299, citing French regulations and Japanese regulations.



## CHAPTER VIII

### Special Dispositions of Officers

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**A. In antiquity.** Officers and those persons in a similar category who are taken prisoners of war may avail themselves of certain privileges but this was not true in antiquity. Nebucadnezzar caused the eyes to be torn out of the king of Judea (Jeremiah, XXXIX, 5, 7). Persius, king of Macedonia, served to ornament a triumphant chariot. Caesar did not show any generosity to Vercingetorix whom he permitted to languish six years in a frightful prison before being released.

However, in the course of time the influence of Christianity and chivalry brought about a change so that the spirit of base vengeance somewhat disappeared. Christianity inspired a spirit of humanity and reverence for natural ties.<sup>1</sup>

**B. Development of the custom.** King John, the good, who was taken prisoner of war at Poitiers, France, was shown the greatest respect by his conqueror, the Black Prince, who desired him to eat at his own table. When Francis I was taken at Piave, he could well say: "I hope to be treated as a king." Count de Gardens stated that "the sovereigns, at the head of their armies,

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<sup>1</sup>Institutes of Justinian by Sanders, 2d ed., p. 21 of introduction.

observe toward one another the measures that characterize the manners and the customs of chivalry. \* \* \* When a monarch is captured by his adversary, he is retained by his conqueror; but he should be given an agreeable sojourn by taking simple precautions to prevent his flight; his situation is generally alleviated by giving him all the honors due his rank.<sup>1</sup> Kluber maintained that if sovereigns or members of their family are made prisoners of war, they should be treated with particular respect.<sup>2</sup> Napoleon III, a captive at Sedan, was assigned for a residence the chateau of Wilhelmhoehe. England, however, sent Napoleon I to St. Helena for it was deemed advisable to put him where he could not cause any further disturbance to the peace of Europe.

**C. Purpose of the custom.** If special courtesy be shown to prisoners of war the enemy may be influenced to grant a more favorable peace. Captivity, however, renders the sovereign incapable of negotiating and signing a valid treaty. The agreement consented to by Francis I when held by Charles Fifth was declared null and void by an assembly of notables. Napoleon III in his relations with Bismark, after the battle of Sedan, mapped out a plan for the conditions of peace.<sup>3</sup>

#### D. Respect for military rank.

**1. Necessary to control armies.** In respecting the sovereigns who are taken prisoners of war, the captor State recognizes the principle of supreme authority as gauged by nations; by respecting the officers who are prisoners of war, the principle of respect for military rank is followed which is the basis of organization and control of all armies. Respect for military rank is essential to discipline. For this reason officers when taken prisoners of war were allowed to retain their swords.

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<sup>1</sup>du Payrat, p. 302, citing *Compte de Gardens, Traité diplomatique*, liv. VI, Sec. X, p. 281.

<sup>2</sup>*Droit des gens moderne de l'Europe*, sec. 345 b, p. 350.

<sup>3</sup>du Payrat, p. 303, citing Albert Sorel, *Histoire diplomatique de la guerre franco-allemande*, t. I, p. 280.

This principle is fundamental in the government and control of armies. (*U. S. Manual*, p. 28, art. 65).

**2. During World War.** The officers captured by the Americans during the World War were consistently accorded the same kind of treatment as that received by officers of the United States army. Fort Penfield at Brest, France was chosen for the place of their retention. It is an old type of French fort, pentagonal in shape, with walls, and a thirty foot moat surrounding it. On July 6, 1918, 149 captive officers were confined there. Changes became necessary and for this reason another enclosure was provided at Richelieu, France.

**3. Parole.** Officers who are prisoners of war are authorized to go around freely and without an escort within specified limits and to reside within these limits after giving their parole or not to depart from the route which is laid out and not to leave the place of residence assigned to them. By the *American Instructions* of 1863, article 126, commissioned officers only are allowed to give their parole with the permission of their superior when he is within reach and without such consent when he cannot be reached. By the *U. S. Manual, Rules of Land Warfare*, however, provision is made for paroling non-commissioned officers and privates if the consent of an officer be first obtained. (p. 30).

Separate columns for officers and for the soldiers captives should be formed. In all cases the captive officers should remain away from enlisted men who are taken captives during the march to the rear. Upon arrival at the point designated by the director general of railroads, they may be authorized to continue their voyage freely and without escort to the quarters assigned to them; but they should prior to this sign an agreement giving their parole to render their subsequent journey fixed (art. 34). Upon arrival at their destination the officer captives are conducted to the commander of the locality who requires each officer to make known whether he wishes to be paroled. Those wishing to be paroled so signify and make

the necessary agreement to conform to the prescribed measures of order and police, and not to escape.<sup>1</sup>

**4. Salute.** Some regulations prescribe that all persons salute their senior in rank, the junior saluting first and the latter being obliged to return the salute; and that in equal grades military persons exchange the salute. Captivity does not alter the reason for such requirements.

**E. Report of billets.** Captive officers upon parole should report the location of their billets and notify the officer in charge of the billets of any change. The addresses of the captive officers are kept at the office. The captives should always wear cards of identification with photographs attached. They may receive permission subject to revocation of making use of plain clothing.<sup>2</sup>

**F. Orderly.** In some countries officers have enlisted men as orderlies by becoming responsible for their conduct.<sup>3</sup> At the capitulation of Port Arthur in 1905, General Nogi allowed each Russian officer an orderly and paroled the orderly for he understood that the Russian officers had become accustomed to an orderly in their daily lives and also that the custom was considered a mark of military honor; or, in the terms of article 35 of the Regulations of the Hague, "the capitulations made between the contracting parties ought to take account of the rules of military honor." (Ariga, p. 231).

**G. Salary.** The internment upon parole which obliges captive officers to bear all their living expenses makes the payment of their salary indispensable. By virtue of an amendment approved by the Conference of the Hague of 1907 to article 17 of the regulations of the laws of war, the officer captives are paid by the captor's government reimbursement being made later by the government of the captive.

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<sup>1</sup>du Payrat, p. 309, citing French Regulations of 21st March, 1893, art. 34.

<sup>2</sup>du Payrat, p. 309, citing French Regulations of the 21st of March 1893, art. 83, 84.

<sup>3</sup>du Payrat, p. 310, citing French Regulations of the 21st of March, 1893, art. 15, 34, 59.

## CHAPTER IX

### Work

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### A. General principles.

1. **General welfare.** Work is essential to the health of captives and at times it is a powerful moral tonic. Idleness is badly counseled. Work inculcates among men habits of morality and of discipline. Good order is better assured and the guarding of captives is easier when they work.

2. **Maintenance.** The products of the labor of captives helps to maintain them and decreases the burden of the captor State. Work should not be considered a punishment but a privilege especially when the fruits of the labors of captives are used for their material needs.

### B. Nature of work.

1. **General principle.** Work which captives would have been required to do for their own government may be required of them by the captor unless it pertains directly to the war. They may be employed for preparation of foods, the repair of clothing, the care of the sick, the construction of barracks, for if they expect to be treated humanely it is proper that they prove themselves worthy and act in accordance with the maxim "Heaven helps those who help themselves."

2. **Conference of the Hague, 1899.** The Conference of the Hague of 1899 provided that the captor State may employ prisoners of war as laborers thus announcing a principle which had already been practiced by many countries. (Hague Rules Art. VI).

a. **Interpretations.** The United States has interpreted the regulations of the Hague to permit the employment of prisoners of war for work even upon fortifications at a distance from the scene of operations. (U. S. Manual, p. 29). The captives who are able to work (Heffter, *Droit International Public de l'Europe*, sec. 129, translated by Jules Bergsson; du Payrat, p. 316),

should be assigned tasks of a non-military character. Labors which cannot be lawfully required of captives should be agreed upon by the different nations.

(1) **Non-Military.**

(a) **In general.** There are many occupations which one can entrust to the captives without obliging them to engage, even indirectly, in the operations of war. The industries in connection with supplying provisions are usually of a specific character, and it is natural to employ prisoners of war to contribute thus to the satisfaction of their most urgent needs. They must be employed, therefore, in laundries, butcher shops, in the preparation of different foods but on condition that their work shall apply exclusively to the products destined for their own consumption, their comrades, and peacable inhabitants. Their labors should never contribute to the rationing of the national troops. It may be asked if such work should be required of the captives in a besieged city, when the preparation of bread prolongs the resistance of the enemy nearly as much as the fabrication of the shells; but to stop at such scruples would be to act to the detriment of the captives themselves by exposing them to suffering from hunger. It is permissible also to employ captives in matters pertaining to clothing, laundry, and shoes, provided that their handiwork does not serve to clothe the enemy's army. The talents of a tailor can be well utilized to repair clothing. The building industry furnishes occupations for the masons, carpenters, forgers, painters, etc., with the reservations that the constructions that they erect be not of a military nature. The electricians, glaziers, and plumbers may find employment in the municipal services.

(b) **National enterprises and miscellaneous labors.**

Some States possess national forests, agricultural establishments, mines, factories of all kinds and railroads. Prisoners of war may be employed in the exploitation of certain parts of the national domain, to cut wood in the

national forests, to work in the quarries, the mines, the national factories, except in those created for war purposes. This would prohibit work in the arsenals or shipyards. They may help prepare tobacco or engage in the manufacture of porcelain or of tapestries. The mints for coining money must be closed to them, however, for money is one of the sinews of war. The national publishers or printers may employ those skilled in the art of printing; but the printing of circulars, or documents concerning the enemy's army, the government, and even the diplomatic corps, will not be entrusted to them. Captives may be assigned work as convoyers for the purpose of transporting the troops. Those whose physical aptitude or education does not allow the performance of physical labor may find employment in the administrative bureau not directly under the secretary of war, in national banks, in educational institutions, and in their regular professions. Their assistance should be especially valuable in the hospitals, not only in behalf of their comrades, but also in behalf of their wounded adversaries; in the latter case, they conform to the principles of the convention of Geneva, which provided reciprocity for the aid of hospitals in time of war (du Payrat, p. 319).

## (2) Military.

(a) **Telephone, telegraph and railroads.** Captives should not be employed in connection with the telegraph, telephone, or the exploitation or repair of the railroads, especially those having a strategic interest, for these services are too intimately connected with the conduct of the military operations. It is considered proper to use this labor in the upkeep of the ways of communication for purely commercial or agricultural purposes. In this way the canal of Saint Quentin between the Somme and the Escaut was dug by Austrian captives. The French captives at Memel, 1870-71, continued this canal (du Payrat, p. 319; U. S. Manual, art. 65, 66).

(b) **Carrying ammunition and similar labor.** Although captives should work for their maintenance they should not be employed to supply ammunition for the enemy on the field of battle. In the French regulations of the 21st of March, 1893, Art. 89, concerning captives, it is provided that they may be employed by the war department but that in a besieged place they may not be required to work where they are exposed to the projectiles of their own country. (P. Fiore, *Droit International public* Tit. X, Sec. 1578). This theory is more restrictive than the one announced in the U. S. Manual (p. 30) previously referred to. To employ captives for military work even at a point distant from the theatre of war is not permitted for the fortifications that they construct, although without effect upon the hostilities of the moment, may increase the power of the enemy for future struggles.

(c) **Coal mines.** Captives should not be required to work in the coal mines for fuel is today, especially in marine operations, almost as indispensable to a belligerent as powder, and is classified as contraband of war. Captives should not be employed in the preparation of saltpetre, sulphur, or other chemical explosive products for war purposes. However, many captives worked in the German coal mines during the World War as will be shown herein.

b. **In keeping with grade.** The regulations of the Hague convention require that the kind of work required of captives must be in keeping with their grade which signifies that the officers and the non-commissioned officers should be relieved from all labors incompatible with their rank (*Hague Rules*, art. VI).

In accordance with this idea the Japanese government exempted officers from working. As a general principle work for officers is just as wholesome as for enlisted men. If their training has equipped them for work of a technical or skilled nature they should be given employment which will bring about the greatest good for the

greatest number. Work in harmony with their attainments and qualifications tends to make them better contented with their captivity as it does enlisted men. Officers and non-commissioned officers of any spirit should not want to remain in idleness during captivity and become either parasites or drones but should by their labors make themselves useful. (*Japanese regulations concerning the labor of prisoners of war*, September 10, 1904, art. 1).

### 3. During World War.

(a) **Work by British captives of the Spring offensive 1918.** As might have been expected not all the requirements of the regulations of the Hague concerning the work of captives were complied with during the World War. The work required of British prisoners of war who were captured by the Germans in the Spring offensive of 1918, was, in some instances, in violation of those regulations according to the *Report on the treatment by the enemy of British prisoners of war behind the firing lines in France and Belgium*, April 1918, p. 11. That report indicates that a German, a University professor who was in charge of a ward of a German hospital, was asked from whence certain captives came, and said in reply that they had come from behind the lines where living conditions were most wretched and where the men were overworked under shell fire, underfed, poorly clad, and where they had to sleep in sheds and shelters in the snow under filthy conditions, and that many died from ill-treatment and those who survived were most miserable. These complaints were made on humanitarian grounds.

(b) **Work and indolence at Ruhleben.** By way of contrast to show the benefits of proper occupation we consider the Ruhleben camps, where artists were allowed to draw or paint. Many opportunities existed for paid employment. Students could increase their knowledge. Captives who were interested in public life could

serve on committees. Many prisoners of war, however, did not find employment or entertainment in the manner above described, and were permitted to idle away their time gambling. Many became desperate and planned ways to escape. The psychic effect of such idleness and the habits acquired thereby remain with a captive long after his liberation, and every reasonable effort should be made to keep all of the captives employed. (Cohen, *The Ruhleben Prison Camp*, pp. 189-196). An idle mind is the devil's workshop.

(c) **Work of a depressing nature.** Work of an unusually depressing character is sometimes required but should be avoided whenever work of a more cheerful type can be assigned. An unusual example of work of a depressing nature is related by John A. Level, Vol. 2, No. 41, *The American Legion Weekly*, dated November 5, 1920, substantially as follows: Some American captives were confined in a hospital ward at Dulmen, Germany. A coffin maker, sarcastically called the "music master," was in charge of a carpenter shop in the corner of the hospital ward and worked at his trade within sight of the captive patients. When but a few patients died the pile of coffins increased in size, but when the deaths were numerous a few healthy patients would help make the coffins for their deceased comrades or, perhaps, for themselves. Mere shadows of human beings listened to the coffin song, and its music was understood by all. One captive kept his ears stuffed with cotton but when he despaired of living he would pull out the cotton and listen to the bracing notes of the Westphalian woodsman. After the armistice of November 11, 1918, the pile of coffins increased in size rapidly. On the departure of the last captives one of them walked over to the coffin maker's shop, picked up a piece of chalk, and across one of the rough last resting-places scribbled "R. I. P. (Rest in peace) we got back pay to worry about."

(d) **Work required by American instructions.** Captives taken by the American forces other than officers



GERMAN PRISONERS ON ROAD WORK, BASE SECTION No. 7.

Courtesy of the Military Engineer, Washington, D. C.

under the provisions of the American instructions during the World War could be required to work for the public service. It was provided that labor should not be excessive but that as large number as possible should be constantly employed because their own warfare and that of the United States demanded it. To accomplish this labor companies of prisoners of war were formed at central enclosures called prisoners of war enclosures (P. W. E.). They worked under the direction of the department of the army to which they were assigned for labor. Each company was commanded by an officer who was responsible for the discipline and administration thereof. The necessary non-commissioned officers and men for the proper administration of the company were assigned by the provost marshal general who furnished guards and escorts. An allowance of pay was provided for prisoners of war for each day's labor in addition to that necessary for their comfort or the upkeep of the places of internment, a sum which the quartermaster prisoners of war information bureau paid by means of tokens of scrip supplied by the quartermaster department under regulations issued from general headquarters. (*G. H. Q. A. E. F., G. O. No. 60, France, July 1, 1918.* See also report to the Hague conference, p. 142;

art. 25, 26, *Declaration of Brussels*; Bluntschli, sec. 608, Baker and Crocker, 51-55, and the numerous references there given. See also *U. S. Regulations for the employment of prisoners of war*, dated March 28, 1918).

e. **By captives in Germany.** In the German camps at Neuenkirchen, Meyenberg, Hessepe, Weismoor, the captives were obliged to work with their feet in water, with only wooden shoes or boots. They were poorly nourished upon 30 pfennigs per day. The intervention of the Spanish ambassador helped to relieve the situation in some of the camps. The work in the mines at Ewald, at Otzendorf, and at Rotenfeld Hessbirgen, was still more of a penal nature. The German authorities made the captives more miserable by preventing the captives employed in the mines from writing to their families (Lemoine, *Les Conventions Internationales*, p. 23). The American Red Cross commissioner, Mr. Dennett, stated that all of the captives to whom he talked who had served in the mines had horrible recollections of their experiences and especially of the salt mines where the temperature was high and where the work was done in a crouching position. They were abused by the overseers by kicks and blows, and there was no hope of escape because they were so far underground,—no hope but to be able to endure their sufferings and to live through them. When beaten and abused if they threw up their hands to protect themselves and the motion was taken for one of resistance their lot was most unfortunate. In the marshes the captives stood in the water which was knee deep all day long. (Dennett, *Prisoners of the Great War*, p. 5-6).

f. **By captives in France.** At the beginning of the World War during 1914, the French minister of war assigned prisoners of war to agricultural pursuits, to work in quarries, and to the construction of bridges. The Germans did not observe the international agreements pertaining to work, hence, by way of reciprocity the German captives were employed by the French at labors

which were not difficult but which had some relation to the operations of war. The Germans employed French captives in the reconstruction of a strategic railway and thousands of them were transferred into the evacuated regions of Courlande and Russian Poland, and were employed in military works on the Russian front, and thousands of the Russians were required to dig trenches behind the French front while exposed to artillery fire. Proof of these statements was shown in December 1915. Later the French employed their German captives in powder works, and in cutting stakes for barbed wire entanglements for the zone of the armies, and in the construction of railway lines, factories, mines, and so on. (Lemoine, *Les conventions Internationales*, p. 23).

**g. By captives held after armistice Nov. 11, 1918.** After the armistice of November 11, 1918, about 300,000 prisoners of war were held by France pending the agreement upon a treaty of peace which was delayed over a period of about two years. The captives were employed to clear up the old battlefields which was a more difficult task than formerly. They tore up wire entanglements, filled up trenches, tore down what was left of villages in ruins. The fields which had been damaged the least were first cleared up for cultivation in May 1919. The reconstruction of ways of communication was also begun. Such work was similar to that performed by laborers in their daily employment. Of the few accidents which occurred the majority were suffered by French laborers. Such injuries were due principally to imprudence or to failure to observe the rules laid down to insure safety. On the whole the accidents were about the same as in ordinary work. Many of the prisoners of war worked with the French peasants and their relationships with them were reported to have been excellent. The peasants often paid the captives for their services with either gifts or money. Different groups would leave the camps for their daily labors under the guard of some French soldiers. Upon arriving at the destination, each captive began his as-

signed task. At a glance one might see prisoners working as laborers, blacksmiths, bakers, repairers of telephone lines. They circulated about as if they were not watched. At the appointed hour, they returned to the place of assembly and for their meal at a place which they knew well. Occasionally one would be missing at roll call but during 1919 for some short periods this seldom occurred. The treatment of the captives was so considerate that they did not resent their captivity any more than might be expected of persons who have been away from their families for such a long time as those captives had. A French soldier in spite of the scarcity of tobacco and the difficulty of obtaining it might be seen giving a cigarette to a German captive or vice versa.

Many of the prisoners of war in the absence of anyone but the neutral inspector told the latter that they were satisfied with their work and with their treatment. The French inhabitants without reservation expressed their appreciation of the serious and excellent work of the prisoners of war. The French officers stated that they were "easy to lead if one treats them well and if one speaks to them as men." (*Bulletin international de la croix rouge, The prisoner of war in the liberated regions of France, January 1919-March 1920.*)

**4. Work contemplated under provisions of Portsmouth Conference, International Law Association, 1920.** At the Portsmouth Conference of the international law association of 1920 it was agreed that prisoners of war should be assigned to such work only as they are fitted to perform by their training, intelligence, and physical condition, and that it should be civilian in character, confined to the usual peace time employment in the service of the State or of municipal bodies or private individuals or on the captive's own account. The captor State is precluded from employing prisoners of war or from permitting them to be employed on any work connected with military or naval or aerial needs even at a distance from the area of operations. Similarly, employment in dan-

gerous or unhealthy occupations such as quarries, salt-mines, cannot be properly required of captives without their consent. (See *Problems of Peace and War*, Vol. V, 1920, p. 28).

**5. Decision by United States concerning work with munitions.** When the question of employment of captives by the United States for unloading munitions of war and other destructive material in Siberia was referred to the Judge advocate General U. S. A., for opinion, it was decided that these captives should not be so employed. (*Digest opinions Judge advocate General's office*, p. 308).

### C. Nature of work.

**1. General principle.** As a general principle prisoners of war should not be required to do more than their physical condition justifies. A strong healthy man should be required to do no more than the normal work for such a man, and a weak man, in like manner, should be required to do only such work as he can without injuring his health.

**2. Agreement between Great Britain and Germany during World War.** The principle above announced is a simple one but its application has not been uniformly observed. To bring about a more desirable result Great Britain and Germany during the World War entered into an agreement that the daily work of civilians who were prisoners of war should not exceed ten hours and the time required to go to and return from work was included in the ten hour period. One hour was allowed at midday for a meal. One day of rest was permitted each week. A certificate was required for a captive if injured at work to show the cause of the injury. Employment in mines was limited to those physically fitted therefor. This would eliminate the weak men from work in mines. (*Agreement between the British and German governments concerning combatant prisoners of war and civilians*, pp. 11-12).

**D. When payment for work is made.**

**1. If done for the State.** When labor is performed for the public administration other than the secretary of war, for example, upon bridges, canals, and harbors, the pay is not distributed directly to the prisoners of war. Some is withheld by a council of administration of each depot or of each unit to pay the expenses for food and clothing. A small amount should be deducted and given to the prisoners of war for pocket money.

**2. If done for own account.** Prisoners of war may work on their own account provided the exercise of their trades and professions does not conflict with order or discipline. At Ehrfurth and Wessel, bazaars were even held, for the sale of objects made by the captives (du Payrat, p. 320, citing General Ambert, *Recits militaires*, t. I, p. 82). When prisoners of war work for their own account they cease to have a right to the allowances accorded their comrades who work on account of the state but may pay for the ration at the normal price (du Payrat, p. 322). They may render great service to private industry and agriculture. The Russian prisoners of war who were interned at Matsouyama during the Russo-Japanese war found employment by singing in a railway construction company (du Payrat, p. 323).

**E. Workmen's compensation laws applicable.** The workmen's compensation laws applicable to the employment of workers generally should be applicable to captives employed at work and injured without their own neglect. In France prisoners of war are protected by article 3, 9th of April, 1898, modified by the law of the 31st of March, 1905, which guarantees to the foreign workers residing in France, the payment of an indemnity in the case of injury to laborers occasioned by work. The agreement adopted in 1906 among France, Belgium, Luxembourg, Italy, and Germany, placing the French workers upon the same footing in those countries as foreign laborers, should apply to French soldiers prisoners of war in those countries.

#### F. Rate of pay.

**1. General principle.** Captives should be given credit for a reasonable amount of pay when working for civilians depending upon the work performed by them. Pay equivalent to the amount delivered to laborers for similar work and under like circumstances should be allowed them. They are not entitled to more nor should they receive less. As has already been indicated, if working for the State they should receive a small amount for pocket money. Their shelter, food, and clothing are considered a part of their reward for services, because they owe a duty to their own State to earn their "keep." At the Portsmouth conference, international law association, 1920, it was suggested that the rate of pay for work done by any prisoner of war should not be less than the rates applicable to the civilian population of the captor States doing the like work in the district. Hence, in different localities, for similar work different rates of pay may be awarded (*Grotius Society, Problems of Peace and War*, Vol. V, 1920, p. 28).

#### 2. During the World War.

**a. By France and Germany.** At the beginning of hostilities, France complied with article 17 of the regulations of the Hague pertaining to the pay of captive officers giving the captured officers the same pay as her own of the same grades. The Germans at first consented for all the salaries 60 marks only to the subaltern officers and 100 marks for the officers of higher grade. Then France did likewise. This continued about one year and in December 1915 the German government made an offer with a view to relief by a common agreement concerning the salaries of officers which brought about a less rigorous regime. (Lemoine, *Les Conventions Internationales*, p. 55).

**b. By the United States and Germany.** The United States and Germany found it expedient during the World

War to make an agreement concerning the pay of captured officers in substantially the following terms:

For the purpose of pay, officers are divided into classes:

At the rate of 350 marks, or \$83.35 per month;

German army: First Lieutenants, Lieutenants, Feldwebellunts.

United States army: First Lieutenants, second lieutenants, (Sec. V. GO. 81, W. D. 1918; Sec. IV, G. O. 98, W. D. Aug.-Oct. 1918.)

At the rate of 400 marks, or \$95.25 per month;

German army: Captains, Rittmeister, Higher grades of officers.

United States army: Captains and officers of higher grades who were commissioned officers of army.

**c. By the United States.**

(1) **By Act of Congress.** The United States made provision by an act of Congress for the payment of members of the army nurse corps (female) or the navy nurse corps (female) army field clerks, field clerks, quartermaster corps, and civilian employees of the army if taken captives which authorized full pay and allowances during the period of involuntary captivity by an enemy of the United States. (*Acts of Congress*, March 3, 1919).

(2) **United States Regulations, March 28, 1918.** The employment of prisoners of war by the United States was provided for by the United States regulations of March 28, 1918. By those regulations captives should not be paid when employed on work that is necessary for their comfort, or for their upkeep of the prison barracks in which they are interned. When the work is done for other branches of the public service or for private persons, the conditions of and compensation for such work will be settled in agreement between representatives of said branches or persons and the Adjutant General of the army, the wages of the captives being applied toward the improvement of the position, and the balance paid

to them upon their release from captivity after deducting the cost of maintenance. A decision was rendered by the office of the Judge Advocate General that the captives at Fort McPherson, Georgia, who were employed for construction work on the new barracks to be occupied by themselves and other prisoners of war should be compensated therefor. (*Opinions, Judge Advocate General's Office*, July 1918, 133).

Another decision was rendered by the Judge Advocate General that German captives in the United States should not be permitted to make and sell toys for the benefit of the German Red Cross for none of the conventions contained anything which would impose upon the United States a duty to permit captives to aid any institution connected with or serving an enemy of the United States in any capacity. It was further held that an article of the Hague convention clearly negative any such theory and plainly contemplates that all earnings of captives shall be retained in the captor country until the termination of the war; that the support of the German Red Cross would furnish aid and comfort to that government, an enemy of the United States, and if given by any person owing allegiance to the United States would come within the definition of treason and would be saved from the condemnation appropriate to treason only by advanced sentiment of modern humanitarianism; that although captives might be allowed to make and sell toys, the proceeds should be regarded as wages and treated in the same manner. (99-202 *Judge Advocate General's Office*, May 15, 1917).

#### G. Employment of Civilians.

**1. General principles.** Considerable discretion should be used in permitting prisoners of war to work for civilians. Civilians who ask this should not belong to a foreign nationality, and should also give evidence of their character and their reliability by a certificate from the civil authorities of their places of residence. They must

also make known the nature of the work to be done, and the salary proposed for each prisoner of war. Such employers must conform to all the measures of police and discipline prescribed, and make known any escape or attempt to escape. They must also promise to shelter and nourish the captives in as good a condition as they would be cared for at the enclosures or depots, to furnish utensils and clothing for work, and to distribute their salary each week in advance. Only a small part of this money should be remitted to the workers for it would be dangerous to entrust a very large sum to them thus affording them a means of escape. The surplus should constitute a sum to be delivered to them upon liberation. Prisoners of war if authorized to work outside the enclosures should agree not to attempt to escape and not to go outside of the locality where they are employed. They should carry cards of identification and their photographs. The military police watch them very carefully. If many captives work for the same individual, the oldest will fulfil the function of the chief of the group. The military authorities should look after the interests of captives thus employed and prevent their employers from exacting too much. (du Payrat, pp. 323, 324, citing French regulations 21st March 1893, art. 91 to 96).

**H. Neutral inspection and control and development of the principle.** The inspection and control of working camps where prisoners of war are employed, or the places where captives are held in captivity are certainly for their interests. This principle had not been recognized before the World War. Credit should be given to the American ambassador J. W. Gerard who was an ideal custodian of the rights of captives for the adoption of this principle. He stood always at a hostile court as an example of the best type of patriotic American demanding fair play and decent treatment of the helpless and oppressed. Without his support the efforts of the embassy in the behalf of captives would have failed and the principle of neutral control would not have developed

into an international custom. A brief review of the efforts of Gerard are set forth, therefore, to show how the principle was recognized and applied. Shortly after the outbreak of hostilities urgent demands were made upon ambassador Gerard in Berlin by the British government concerning the care, treatment, and fate of the British soldier, a prisoner of war in Germany. To help matters an effort was made to arrange a definite type of inspection and a suggestion was made to Germany December 26. The idea of inspection was accepted by Germany, March 17. Great Britain agreed that inspection might be made of camps for German captives in the United Kingdom. The agreement was such a step of progress that it is quoted in full:

"1. The belligerents undertake to transmit to those countries whose subjects are held by them as prisoners of war, whether combatant or non-combatants, a compilation of the provisions which they have adopted for the treatment of prisoners to include those relating to lodging, clothing, and food, as well as correspondence and the forwarding of money and presents in kind. In case any supplementary regulations have been issued in single detention camps, such regulations shall be made known to the diplomatic or consular representatives who take charge of the protection of the prisoners when they inspect such camps.

"2. General permission to inspect the detention camps shall be given to the chiefs of the diplomatic missions who have charge of the protection of the prisoners, as well as to the diplomatic or consular officers of their country who may be designated by them. They shall announce visits to the commanders of the camps to hear their wishes and complaints. The conversations shall not, however, embrace other subjects than such wishes and complaints, except with the express permission of the commander of the camp. Before leaving the camp, the diplomatic or consular representative will notify the commander of any wishes and complaints, and will not submit to the superior authorities of the commander un-

less the commander declares himself unable or unwilling to consider the wishes or to remedy conditions forming the subject of the complaint."

Inspections without previous notice was afterwards agreed upon. From the simple provisions of Sec. 2, to visit army camps to listen to complaints, there developed by degrees a full and complete military inspection embracing not only a careful survey of the physical conditions but also a detailed inspection of the prisoners themselves; a review of the sanitary conditions, diplomatic matters concerning the exchange of wounded prisoners, correction of hospital abuses, and review of judicial matters in reference to courts-martial. The principle of inspection having been established all matters included in an ordinary military inspection were included in the neutral inspection. The principle was so universally applied that its use in future wars should not meet with any serious objection. A military surgeon who was an expert in sanitation was most useful in the development of the plans and throughout two years of tactful effort worked faithfully to improve them. His name was Dr. Karl Ohnesborg, assistant attaché at the American embassy, Berlin. *There should be a neutral inspection staff of trained sociologists and paid sanitarians preferably non-military to prepare the plans and attend the execution of them.* (McCarthy, *The Prisoner of War in Germany*, pp. 5-11).

The principle having been recognized, its application will be described in considerable detail. Where the captives were assigned work in the farming districts and lived with the German farmers human nature took its ordinary course and the captives usually fared as well as their employers, eating at the same table, and sleeping in the same buildings. They became so friendly that efforts were made to prevent such fraternization. The employment by corporations presents another story for the kindness and individual feeling for the captives as fellow-workers ceased to exist. This was true of the land reclamation projects. The lives and health of the

captives were of second importance only. The contract or wanted immediate results at the minimum expenditure for housing and food for the captives. Swamp lands are especially unhealthy but captives were, nevertheless, employed in them. It was found that the prisoners of war had no redress; if they refused to work they were subjected to severe punishment by a court-martial. If they complained they were charged with refusing to work and the word of the guard was taken in preference to the word of the captive. Theoretically a captive had a right to appeal to the American embassy by letter. However, the guard might tear up the letter or the prison or camp authorities might refuse to forward it according to the rights reserved by them.

A routine inspection was accordingly planned to prevent all abuses and unnecessary hardships of the captives. In Germany alone, however, it was reported that there were 18,000 working camps, and that in 3,000 of them British captives were employed. In the coal mining industry of Germany the captives were employed not only in the deep underground mines, but also for the mining of soft brown coal from immense surface pits where the overlaying layers of sand had been removed by excavation. In the surface mining the prisoners of war were employed in loading and unloading the cars, and most often the sand cars rather than the coal cars. They were generally not employed in the pits and the British prisoners of war were not employed in the factories for compressing the soft granular coal into bricklets. The French captives, however, were so employed. In the soft coal districts the captives were well housed and treated. In the deep pit district they were less fortunate. They worked as helpers for miners and in the underground transportation of the coal. Their guards did not enter the mines but watched on the surface while the captives in the pits were ordered about by their civilian foremen. Such a delegation of authority to the foremen frequently caused trouble. At one camp where the con-

ditions were bad generally the guard refused to show the inspectors anything and refused permission to talk to the captives unless the guards were present at the time. The guards were completely under the domination of their senior officers, and were accordingly brutalized to such an extent that almost anything in the way of rebellion might happen. Captives were compelled to work when ill. At another camp the director of the mines was only too glad to show everything in connection with the camp. Everything there was all right. Two reports are here given showing contract of the camps:

Number of prisoners of war at this camp, 375 of whom 35 are British;

Nature of work. British employed underground shoveling coal, loading ores, driving teams, and such like.

Place of work, near Herno.

Hours of work, Two shifts; Shift no. 1, 6.00 A. M. to 2.00 P. M.; Shift no. 2, 2.00 P. M. to 10.00 P. M.

Rest period of 20 minutes about middle of either shift.

On Saturday one half of captives every other week in turn from 4.00 A. M. to 12 noon, and then return to work at 9.00 P. M., the same night and work until 5.00 A. M., the next morning. Week of work equals 56 hours. Pay 80 pfennigs for each shift of 8 hours. Housing,—barracks—upper portion had but little light and practically no ventilation.

#### Complaints:

Barracks overcrowded, lack of ventilation; and latrines;

Rough handling by civilian foremen;

Insufficient food;

Insufficient medical attention;

Lack of space for exercise and recreation;

Exceptionally long hours of work without change of shift;

Complaints made by letter to American embassy received no attention.

Latrines: night latrine insufficient; day latrine, clean, good order.

Canteen: various toilet articles, soft drinks, tobacco, one variety of cakes, several kinds of sausage.

Post and parcels: mail and parcels irregular and delayed.

Exercise: not allowed to go outside small compound.

Religious services: Roman catholics taken out from time to time to a nearby church; other British services at long intervals in a Union church.

Medical attention: civil physician visited camp every day, men complained that they had to work when they had colds; physician could not do all the work properly; prescribed for 42 men within one hour, one day, on another prescribed for 46 within one hour, and on another day 35 within the same time.

Baths: two rooms, one as storeroom for the pit clothes, other room 16 showers with hot and cold water; clean, good order.

Kitchen: adjoined barracks, German woman cook, 2 women assistants, 4 kettles and one range.

Midday meal—thick bean soup and dried vegetables, pickled herring; soup unpalatable.

200 grammes of bread per day, no meat for three months;

Meal of soup at five A. M. for breakfast, no coffee; Coffee ration with herring for second breakfast in the mine.

Dinner—3.00 P. M. usually vegetables;  
At 7.00 P. M. soup in the form of meat gruel.

Working camp at Langendeer. Parent camp, Munster II.

Part of Report made on July 17, 1916.

Prisoners of war total 309, British 143.

Place of work. Coal mines and coke ovens in the town of Langendeer.

Place of work. Near Langendeer.

**Nature of work.** Seventy British prisoners of war work in the mines handling coal, driving teams, others feeding coke ovens, withdrawing coke.

**Hours of work.** Day shift, 6.00 A. M. to 8.00 A. M.; 8.30 A. M. to 12 noon; 1.30 P. M. to 4 or 5 P. M. Night shift: 5.00 P. M. to 9.00 P. M.; 9.30 P. M. to 1.00 A. M.; 3.00 A. M. to 7.00 A. M. On change of shift every other Sunday men work 24 hours. Paid 5 marks for the double shifts but prefer it changed.

**Pay.** 1 mark 1.20 per day, 5 coke men 80 or 90 pfennigs a half day Sunday when they work.

**Latrines.** Pail system in a long outhouse 20 large sized pails. Urinals provided with running water.

**Baths.** Good, modern equipment. Laundry facilities provided with hot and cold water.

**Kitchen.** In separate building, 3 kettles and range, 2 prisoners of war cooks. Food supplies of good quality. Noon meal inspected, and consisted of meat and vegetable soup of good flavor. British cook stated that the British prisoners of war subsisted largely from their own packages sent to them.

**Canteen.** For sale: wine, soft drinks, tobacco, toilet articles, cakes and biscuits.

**Mail and parcels.** Delivered but delayed in transit from parent camp.

**Clothes and shoes.** All British prisoners of war have good clothes, underclothes and shoes except 7 men.

**Recreation.** Use of yard for exercise. Requested place for football. Men bought a piano.

**Religious services.** Roman catholics permitted to go to church from time to time. British prisoners of war taken out two or three times to Union (Methodist) church.

**Complaints.** Long shift for work on Sunday.

Reports from other working camps were somewhat similar to the above. Space does not permit the insertion of any more of them. Miscellaneous industrial work was performed in practically every industry such as rail-

road construction work, repairing the road-bed, loading and unloading cars, ordinary road construction work both within and without the military zone, brick works, quarries, iron and steel factories, construction of buildings, disposal of garbage and waste, retail coal yards. In one of the German prison camps the prisoners of war were paid one-fourth of the normal wage of the Germans who did similar work. They were paid in *camp money* because the Germans did not want them to have real money which might facilitate their escape. However, those who worked on the farms received as much as the German farm hands. (*McCarthy, The Prisoner of War in Germany*, pp. 146-168.)

The problem of making proper neutral inspections of the working camps was made unnecessarily difficult for the large companies which employed prisoners of war attempted to resist inspection. Such attempts were, however, unsuccessful. In the summer of 1916 and subsequently the inspections of the congested manufacturing districts of Westphalia were hampered by definite restrictions upon the extent to which an inspection could be made. Coal and steel barons in that district by means of their political influence in the Schar Verband forced the military standpoint and also against the best interests of the prisoners of war. It was claimed that if inspection were allowed important trade secrets would be obtained; accordingly the minister of war ruled that those camps could only be inspected after previous notice and that the camps should be divided into the following classes:

Those in which full inspection would be allowed;  
Where barracks alone might be inspected;  
Where men could be communicated with outside of  
the premises;  
Where no inspection would be permitted.

The manufacturers were allowed to determine to which group their establishments belonged, and nearly

all were placed under the last three classes. (McCarthy, *The Prisoner of War in Germany*, p. 169, 174.) In one of the working camps in Germany an order was found for the guard posted in the guard barracks to the effect that a guard might use the bayonet for captive's refusal to work. In the same army corps was posted a printed notice quoting the provisions of the Hague convention pertaining to work and adding thereto a statement that in one of the working camps three Russians had been shot for refusing to work. However sergeants-major, sergeants, and corporals, were exempted from work. (McCarthy, *The Prisoner of War in Germany*, p. 90.)



## CHAPTER X

### Relief Societies

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#### A. Need of relief societies and their development.

1. **Franklin's efforts, 1785.** The fate of wounded soldiers has been for many years a matter for much consideration. Efforts have been made to organize relief societies by international committees to serve as intermediaries between the unfortunate captives and their families and friends. Franklin succeeded for the first

time in having a treaty made in 1785, whereby the United States and Prussia agreed that a commission be appointed charged with assisting the prisoners of war to communicate with their families and to distribute gifts sent to them.

**2. Society composed of French women.** In 1814 some devoted women formed a society for the distribution of aid to the French prisoners of war in Germany who were collected at Frankfort. (du Payrat, p. 236; Pradier Fodere, *Traite de droit inter. public*, VII, p. 188.)

**3. Treaty between United States and Mexico, 1848.** The United States in its treaty with Mexico provided for the distribution of aid to prisoners of war in the following terms: "Each party shall be allowed to keep a commissary of prisoners, appointed by itself, within every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed."

**4. During Crimean War.** During the Crimean war, there was established at Constantinople, a general centre of correspondence and of repatriation for the prisoners of war and there was also organized for the Russian soldier captives in France and England, and for the French, English and Italian soldiers interned in Russia, a service for sending articles of clothing, money and useful information. In this work Florence Nightingale who from childhood had an ardent desire to use her talents for the benefit of humanity made one of the brightest pages in English history. Her noble efforts offset for the British to some extent the horrors of the prison ships. She gave herself body and soul to the work standing twenty hours continuously to see the wounded cared for. She encouraged the sufferers in the operating rooms, and

at night made her solitary rounds of the wards, lamp in hand, stopping here and there to speak a kindly word to some patient. Soon she had 10,000 men under her charge, and the general superintendence of all the hospitals of the Bosphorus. The death rate sank from 42% to 20% within a few months under her care. Although suffering with fever she remained at her post.<sup>1</sup> It is probable that some of these sick were prisoners of war.

**5. During the American Civil War.** During the American Civil War feeble efforts were made to afford relief for prisoners of war. Those who did devote their energies to such purposes, therefore, deserve exceptionally high praise. The "Sisters of Charity" was an organization of Southern women which helped the prisoners of war in such ways as it could. They threw cakes, potatoes or similar supplies over the guard line among the captives at Charleston, South Carolina. Many captives lived to bless the women of Charleston and to tell them of their kindness. While waiting for removal to their homes at Charleston some wounded men lay gasping on the sidewalk. A woman went to the surgeon superintending the removal, and asked permission to give the sick men some soup she had for them. The surgeon rebuked her severely, saying, "If you have such things to give away, give it to our boys." Said he, "What side are you on?" She replied, "Anything for humanity's sake, doctor. Let me give these poor men something to eat."<sup>2</sup> At Andersonville, Georgia, the Sisters of Charity assisted the prisoners of war by supplying bandages and good things to eat and taking messages.<sup>3</sup> Clara Barton distributed large quantities of supplies for the relief of wounded soldiers.<sup>4</sup>

**6. Conference of Geneva.** In 1864, a conference met

<sup>1</sup>The *Encyclopedias Britannica*, Eleventh Edition, Vol. XIX, p. 684, 685; See Longfellow's poem, "Santa Filomena."

<sup>2</sup>Warren Lee Goss, *The Soldier's story of his captivity, etc.* p. 265-266.

<sup>3</sup>Robert H. Kellogg, *Life and Death in Rebel Prisons*, p. 296.

<sup>4</sup>Encyclopedias Britanica, Vol. III, p. 452.

at Geneva for the purpose of considering relief for sick and wounded. Certainly if the wounded have right to prompt succor, their brothers in arms also merit some evidence of solicitude for they are more likely to undergo mental depression even if their lives are less in danger. It was provided that the sanitary personnel might continue its duty in the presence of the enemy. The sick and wounded "shall be entertained and cared for, to whatever nation they belong." (Malloy, *Treaties, Conventions, etc.*, pp. 1903-1906). The United States did not adhere to this convention until March 1882. It was largely due to the efforts of Clara Barton that the United States became a party to the convention. (*Encyclopedie Americana*, See Clara Barton).

**7. Efforts of the committee of Basle and Brussels.** The Red Cross committee at Geneva established at Basle an agency which was destined to put the French and German societies in communication for aiding the wounded of the war of 1870. The committee distributed more than 40,000 francs worth of clothing, linen, shoes, wine, foodstuffs, and other similar articles. Other committees were organized later in France, Germany, Austria, Belgium, and Holland, having for their object the assistance of the prisoners of war. The most important were those of Basle, Lisle, and Brussels. One formed on the 2nd of December 1870 adopted this rule: "Do for the prisoners without regard to their nationality, but with the consent of the belligerent governments, what the convention of Geneva has authorized for the wounded; ameliorate in every way the position of prisoners of war; assist them, under the conditions fixed by the governments, in the relations with their families; collect about them the resources of moral, intellectual and religious life." (du Payrat citing Romberg, *Belligerents et prisonniers*, p. 28). Abundant gifts were collected by the committee. It was able to issue warm clothing, or pieces of cloth, which charitable workers transformed into clothing. The societies should be able to distribute to

the prisoners of war under the control and surveillance of competent military authority, aid in the form of clothing, linen, money, books and medicines. They should be able, likewise, to give their religious and moral assistance to prisoners of war and assure respect for liberty of conscience and prevent all communications which might be judged inopportune or annoying by the commandant of the inclosures or depots. The members of the neutral delegations should be provided with an official document of identity, and bear a white brassard with a Red Cross.

**8. Congress of relief societies at Paris, 1889.** In 1889, a congress of relief societies opened at Paris the 17th of July. The congress included a statement pertaining to the role of relief societies substantially as follows: Role of private societies for the assistance of prisoners of war. Envoys of distribution, under the control of military authority, of aid, of clothing, books, and so on. Introduction of these objects by permission of law, exemption of postal taxes upon letters, parcel post orders and articles of money for the prisoners of war, for the sick as well as for the wounded. (*du Payrat*, p. 333, citing *Rev. dr. int.* p. 304).

The international committee of the Red Cross put in practice the following rules through the committee of Basle in 1870-1871:

a. That the relief societies for the regularly organized prisoners of war, having for their object the performance of charitable acts, should receive from the governments the protection and the necessary aid within the limits defined by military necessity and the administrative rules so they may thus be able to realize in a most effective manner their humane task;

b. That independently of other measures which might tend to the amelioration of the material and moral fate of the prisoners of war and on which the governments should take the initiative, they facilitate the sending of an envoy and the distribution, under control of

military authority, of aid in clothing, linen, books, and such like;

c. That in neutral, as well as in belligerent countries, exemption of postal taxes for letters, orders, and articles of money for prisoners of war be guaranteed; and that their relations with their families be facilitated under the reservations directed by superior necessities;

d. That the official bureaux of information unite and centralize on the subject of deaths, the wounded, the sick, and the prisoners of war, and that they should be established wherever they are not actually organized and that this service should be equally charged with the care of the assembling in every way possible, and of making restitutions to the families of the dead and wounded collected in the hospitals, also the objects belonging to them, especially those found upon the field of battle;

e. That the officers prisoners of war should be able to receive through the intermediary of a neutral power, the complement, if sent, of the salary which is provided for in this situation by the national regulations, to be charged with ultimate reimbursement by the government to which these officers belong (du Payrat, pp. 333, 334, 335, citing *Rev. dr. int.* 1890, pp. 303, 304.)

**9. Decisive step by the Conference of the Hague, 1899.** The apostles of the relief societies for prisoners of war were recompensed for their persevering efforts in behalf of the charitable organizations of which they had visions for so many years by the official recognition of their plans by the powers. The representatives of the governments gave testimony of even more interest in the relief societies for prisoners of war than in the societies of the Red Cross. The convention of the Hague of the 29th of July, 1899, spoke, indeed, impressively of the former, as shown by article 15 of the regulations of that convention. The societies of the Red Cross which were mentioned in the convention of Geneva in 1864 were not mentioned by name in the international agreement of 1906. Since the revision of this convention of Geneva

(article 10) they have enjoyed indirectly the protection accorded to the sanitary service. Here are the terms of article 15, reproduced from the proposition submitted to the conference of Brussels twenty-five years before, and of article 18 of the proposed international convention of prisoners of war produced by Romberg;

The relief Societies for the prisoners of war, regularly constituted according to the law of their country, and having for their object to fulfil the duties of an intermediary agent for charitable purposes, shall receive, on the part of the belligerents, for themselves and their duly accredited agents every facility, within the limits outlined by military necessity and the administrative rules, to accomplish effectively their humane task. Delegates of these Societies will be allowed to distribute aid in the depots of interment as well as in the halting places of repatriated prisoners of war if furnished with personal permit from the military authorities, and on giving an agreement in writing to comply with all the measures of order and police that these may prescribe. (du Payrat p. 336, also Hague Rules art. XV).

This provision conciliates admirably the interest that one should have for prisoners of war, and the precautions that a belligerent has a right to take towards the agents called to assist them, but the nationality of the agents is a matter of importance.

#### B. Time of organization.

**1. General principle.** The authority for the organization of relief societies having been given by the regulations of the Hague, there still remained the carrying out the organization in an effective manner. This question was submitted to the international Congress of the relief societies held at Paris the 20th of August 1900. Two solutions were offered. One was the immediate creation in each country, according to its respective laws, of special relief societies for the prisoners of war, composing the groups sufficiently complete so that on the day of the declaration of war, the first prisoner of war

might receive, as the first wounded, the aid already provided and authorized by the law of nations. The other dealt with the existing societies created under the guidance of the Red Cross, providing for the aid of the wounded, for the aid of prisoners of war and amplifying simply the action of the societies already so perfectly organized. (du Payrat, p. 337).

**2. Method of applying the principle.** The sick and wounded had already been cared for by societies which had gained the confidence of various governments, the public, and the military authorities, who never permit a new element such as a civilian organization within the theatre of hostilities without some hesitation or even ill feeling. It was pointed out by Renault that it would be impossible to create in time of peace relief societies for prisoners of war, and stated that if the relief societies for the wounded would not extend their action to prisoners of war, no other society would do so. The Congress, taking into account the allegations of Renault, adopted the suggestion offered by M. Romberg-Nisary. The Congress expressed the wish that there be provided without delay in each country, either the creation of the special societies for the prisoners of war, or the organization of aid for prisoners of war, and that to the terms of article 15 of the protocol of the conference of the Hague there be added the following phrase: "the relief societies for the wounded are invited to study in harmony with competent authority, where it is possible to extend their benevolent action to the prisoners of war."<sup>1</sup>

**a. Effort to obtain uniform international action.** The plan just set out above was submitted to the VIIIth international conference of the Red Cross which opened at St. Petersburg the 29th of May, 1902. Mr. Renault reproduced the arguments that he had made use of in 1900 and demonstrated that societies of the Red Cross might

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<sup>1</sup>du Payrat, p. 339; See the account of the **Congress International des Oeuvres d'assistance en temps de guerre**, 1900, IX question, p. 131.

render valuable services to the prisoners of war without pecuniary sacrifice by visiting them, facilitating communications with their families, and by transmitting aid, and further that such charitable activity on their part might be exercised without detriment to their hospital services.

(1) **Invitation to Red Cross to study question of relief.** The national societies of the Red Cross were accordingly invited to make a study of the question of ascertaining whether they could charge themselves with the care of the prisoners of war in conformity to the regulations of the Hague of 1899.<sup>1</sup>

(2) **IX International Conference at Washington, 1912.** The IXth international conference of the Red Cross held at Washington, D. C., in an effort to make proper provisions in time of peace for prisoners of war of future wars and inspired by the declarations of 1907, and by the conference of London, expressed the wish that the societies organize from time to time a *Special Commission* charged in time of war with looking after the aid of prisoners of war, and suggested the following method:

The international committee through the intermediary of neutral delegates, accredited by the interested governments, assured the distribution of help supplied for prisoners of war individually and provided for a division of other gifts between the different depots of prisoners of war, by taking into account the intentions of the donors, the needs of the captives, and the instructions of military authority. The expenses occasioned thus to the international committee were to be borne by the societies of the Red Cross interested. The Special Committee it was provided should communicate with the international committee of Geneva. The bureau of the conference was charged before the publication of the

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<sup>1</sup>See the account of the VIIth International Conference of the Red Cross of 1902, pp. 46, 246.

general report of the assembly with the preparation of a resolution and with addressing immediately all the central committees, in a manner so that all the central committees could follow a general plan of action, and so that, within a year from June 1913, they might put the resolution in execution. (Proposed by the French committee; adopted unanimously at the meeting of May 10, 1912. *Neuvième conference internationale de la Croix Rouge.* Washington, 1912.)

**C. Special commission to assist relief societies of Red Cross.** The societies of the Red Cross may form at the beginning of hostilities a special commission having for its object the aid of prisoners of war which will augment the charitable efforts and function parallel to the other services without antagonizing them by the aid of distinct subscriptions. This commission should interest itself in behalf of prisoners of war of its nationality taken captives by the other belligerents by helping with the aid of the international committee of Geneva, in all matters tending to ameliorate their moral and material welfare and it will endeavor to obtain reciprocity. The societies of the Red Cross of a belligerent ought not to enter into communication directly with that of the other belligerents, either as an envoy or for information. The international committee of Geneva should then serve as a benevolent, neutral, sympathetic intermediary, and, in a measure, fulfil, without being guilty of selfish interest, or any suspicion, this difficult and delicate mission. The VIIIth conference made such a provision in substantially the following language: Whoever accepts the declaration of the International Committee of Geneva offers to serve as intermediary in case of need for the Central Committee and desires that the societies of the Red Cross recognize it by the force of circumstances, because it is obliged to bear aid to prisoners of war in conformity with the stipulations of the conference of the Hague within the limits imposed by the laws and customs of their country. (See the account of the VIII international

Conference of the Red Cross, p. 73 etc.; du Payrat, p. 342.) The future task of the aid societies is made easier if the powers conform to the provisions of article 16 of the regulations of the Hague, excepting from taxation all the gifts and help of all kinds for prisoners of war.

#### D. General scope of relief by Red Cross.

1. **At the International Conference at Washington 1912.** For a long time the Red Cross societies directed their attention solely to the wounded. The prisoners of war received but little consideration from them. At the conference of Washington in 1912, however, a resolution was adopted for the first time to enlarge the scope of the activities of these societies very extensively. It obligated the national societies to aid even those that the vicissitudes of war had caused to fall *unwounded* into the hands of the enemy. Armand du Payrat is entitled to considerable credit for advocating the necessity of this action, and General Michel of France also deserves commendation for presenting du Payrat's resolution for adoption at the IXth conference of the Red Cross at Washington. (Personal letter to the author from M. du Payrat.) In the meantime and before receiving this formal mandate, the international committee had made some efforts in this respect but the results were discouraging. During the Franco-German war, it instituted an agency at Trieste; in spite of the modest proportions of those intermediaries, the two organizations gave information to the families of the prisoners of war of value. After the adoption of the resolution of 1912, an agency of prisoners of war was established at Belgrade and rendered noteworthy service. These three agencies are to some extent the forerunners of that of Geneva in 1914-1918.

#### 2. During the World War.

a. **Agency at Geneva.** When the World War began an agency was founded at Geneva. .



CONTENTS OF FIRST PARCEL SENT TO PRISONERS

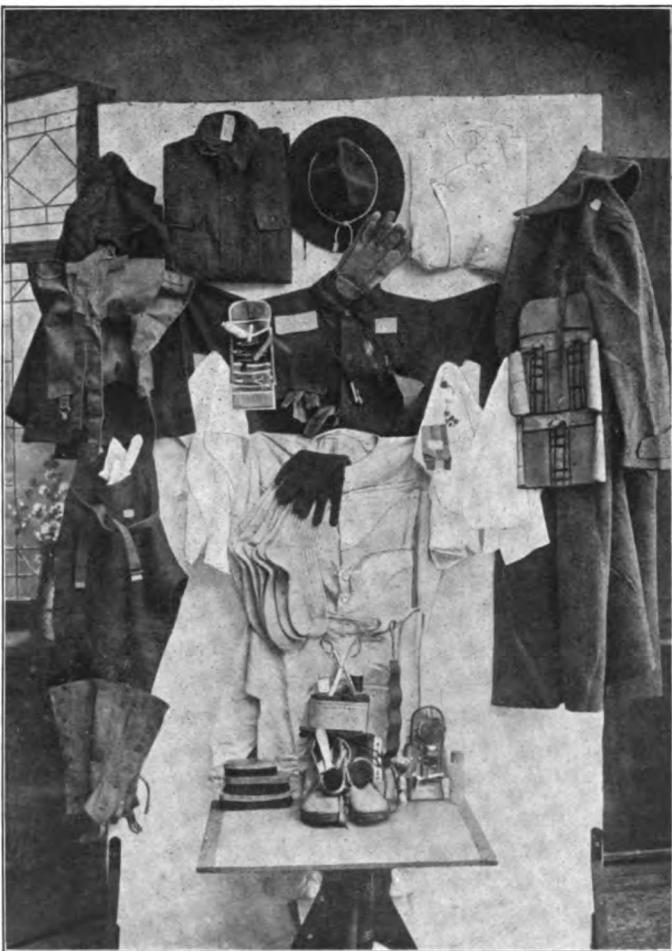
Courtesy of Carl P. Dennett from **Prisoners of the Great War**.

(1) **General duties.** Two rooms were maintained at first in a house on rue d'Atheneé. From day to day the requests grew and became innumerable and from all parts calls for help were received. The small agency grew into a large establishment and officers were secured in the Muséé Rath. Sections were needed for tracing the lost, for inquests, for the services pertaining to the deceased, for the civilian and sanitary personnel, for typing, and so on,—indeed these demanded a large organization for proper management. A treasury of many millions of dollars was furnished for the use of the agency to assist in carrying out its duties properly. This money was donated for the use of the Red Cross. As soon as the lists of prisoners of war were received they were handed over to the proper section, registered, dated, and numbered before being copied. The lists of the French prisoners of war in Germany formed a collection of about 500 volumes of 200 pages each. The card index system of the German prisoners of war in the hands of the British and of the German prisoners of war in the hands of the French contained about 1,500,000 names. During the four years of war, 120,000 families went to Geneva in person to explain their cases and to obtain news. Two or three thousand letters were received daily, and as many as 18,000 were received in one day. The inquiry section sent out inquiries concerning 100,000 prisoners of war whose relatives had been without news of them for two months. Death certificates were sent to the war office to which the captives appertained. The banking department transmitted considerable sums of money to prisoners of war of the various countries at war. From 1914 to 1918 the shipping department handled about 1,884,919 parcels for prisoners of war. (*Committee international de la croix rouge, prisonniers de guerre, 1914-1918*, p. 9 etc.)

b. **American Red Cross.** The American Red Cross realized the necessity for action on its part in behalf of Americans who might be taken captives and accordingly

communicated with Ellis Loring Dresel, who had been associated with ambassador Gerard in the American embassy in Berlin, and asked him to look after the American captives pending definite arrangements. He leased a storehouse at Bumplitz, a suburb of Berne, Switzerland, and the American Red Cross sent Mr. W. W. Husband, formerly secretary of the United States immigration commission in Washington, and Mr. Ralph E. Bailey who had been secretary of the Groton school. These men took charge of the supplies sent by the American Red Cross, and in November 1917 the first food parcel was shipped to the American captives in Germany. In April 1918, the American Red Cross commissioner was requested to go to Switzerland to take charge of the Red Cross commission in Switzerland. The United States government had at that time constituted the American Red Cross its authorized agent to locate and provide for American captives. In July 1918 the American Red Cross commission was informed that there were more than one million American soldiers in France and that another million would soon arrive. Arrangements were made with the chief quartermaster of the American expeditionary forces to furnish all the food and clothing necessary from the supplies in France,—the American Red Cross to provide certain luxuries for the military prisoners of war and everything that was needed for the civilian captives. An investigation showed that the American captives in Germany needed about everything to sustain life. Such articles as soap, towels, needles, thread, buttons, pins, razors, hair-brushes, combs, scissors, tooth-brushes, shaving-soap, tooth-paste, in short, all food and clothing as well as the essential toilet articles were needed.

At that time the German government was giving the captives a small quantity of dark, soggy bread made of toasted acorns or chestnuts, thin, watery soup, few vegetables and but little meat. The ration was inadequate to sustain life properly, and the captives of other nations were dying from starvation. American, French, and



**OUTFIT FOR MILITARY PRISONERS**

Courtesy of Carl P. Dennett from **Prisoners of the Great War.**

English captives could not eat the food furnished by the Germans unless practically starving. A cable was sent to Washington for sufficient supplies to provide for 10,000 American captives for a period of six months. (Dennett, *Prisoners of the Great War*, pp. 15-23.) Through the agency of the American Red Cross food parcels were sent every week to the American prisoners of war in Germany. Army A food box was sent the prisoners of war one week after the first parcel and was followed next week by the Army B box, the next week by Army C box and the fourth week by Army D box. Each month thereafter food boxes A, B, C, D, went to the captives regularly. Army A package contained 1 lb. corned beef, 1 lb. salt pork, 1 lb. salmon, 2 cans peas, 4 lbs. hard bread, 1 lb. butter, 1 lb. sugar, 1 lb. prunes, 1 bar soap, 80 cigarettes (or the tobacco equivalent to 4 pkgs. tobacco, 1 cut of chewing tobacco.) Army B food box contained 1 lb. corned beef, 1 lb. roast beef, 1 lb. salmon, 2 lb. corned beef hash, 1 can pork and beans, 1 lb. tomatoes, 1 can corn, 2 cans peas, 4 lbs. hard bread, 1 lb. rice, 1 pt. evaporated milk, 1 lb. coffee, 1 lb. jam, 1 lb. raisins or figs, 80 cigarettes (or in place of cigarettes 4 pkgs. smoking tobacco for pipe or 1 cut of shewing tobacco.) Army C food box contained 1 lb. corned beef, 1 lb. roast beef, 1 lb. salt pork, 2 lb. corn, 2 lbs. peas, 4 lbs. hard bread, 1 lb. sugar,  $\frac{1}{2}$  lb. cocoa, 1 lb. prunes, 1 pt. vinegar, 80 cigarettes (or in place of the cigarettes 4 pkgs. smoking tobacco for pipe or 1 cut of chewing tobacco.) Army D package contained 1 lb. corned beef, 1 lb. roast beef, 1 lb. salmon, 2 lbs. corned beef hash, 1 can pork and beans, 1 lb. tomatoes, 1 can corn, 1 can peas, 4 lbs. hard bread, 1 pt. evaporated milk, 1 lb. sugar, 1 lb. coffee, 1 lb. jam,  $\frac{1}{2}$  lb. salt, 1 lb. chocolate or candy and 80 cigarettes (or in place of the cigarettes, 4 pkgs. smoking tobacco for pipe, or one cut of chewing tobacco.)

Each package contained a receipt in postal card form to be signed by the captive in his own writing, and on which he reported what he received and what was missing, if anything. Many of the cards were returned to

America to be sent to the families of the captives. It was not practicable to send shoes and clothing until the sizes were known. To take care of this a card was sent in each food package with blank spaces for sizes which the captive was requested to fill out giving the sizes in detail. As the war continued the parcels were in greater demand for the captives' parcels were more generally stolen or a part of the contents removed. To prevent this, the American help committees were provided with articles for the purpose of supplying captives. This arrangement worked satisfactorily. It does not appear that supplies were lost by being taken from the store-houses by the Germans. Reserve supplies of food were provided in a similar manner. In September and October 1918, the food situation became so bad in Germany that the packages would frequently be looted of nearly everything in them. (Dennett, *Prisoners of the Great War*, pp. 25-32.) The report of the camp at Tuchel, Germany showed that on the 12th of January there arrived eight Americans who had been captured on the third of November near Bathlemont, Lorraine, France from company F, 16th Infantry in the first raid made against American troops. Inasmuch as these were the first American captives taken in the World War their names are given as follows: Sergeant Hallyburton, Private Decker, Gallegher, Caffray, Grimsley, Kendall, Lester, and Longham. They were very hungry upon their arrival there for they had only received the German rations during their long journey from Darmstadt. Their American leather boots were taken from them and replaced by woden shoes. Sergeant Hallyburton had in his possession about 1800 francs which he changed into marks, and with this he helped his American fellow prisoners of war until other help was received. On the 4th May, the American Red Cross at Berne wrote that 96 pairs of shoes were missing except one. Complaint was made and under date of October 11, 1918, the German minister of war replied to the International Red Cross as follows: "Clothing and uniforms belonging to prisoners of war



MEMBERS OF RASTATT CAMP COMMITTEE WHO VOLUNTEERED TO REMAIN  
BEHIND TO ASSIST IN THE REPATRIATION OF SICK AND  
WOUNDED AMERICAN PRISONERS OF WAR

Lieutenant R. B. McDowell, Private E. C. Mielewski, Corporal Joseph Sabutini, Private F. M. Ham  
Sergeant Howard P. Blount, Corporal Fred Mueller, Jr., Private H. C. Rutz  
J. Chmiel, E. E. Gurney, and Sergeant F. H. Miller

*The picture shows the excellent condition of the prisoners, thanks to the  
Red Cross food and clothing parcels*

Courtesy of Carl P. Dennett from Prisoners of the Great War.

worn by them at the time of capture are considered as booty of war." (Dennett, *Prisoners of the Great War*, pp. 65-72.) The International Red Cross, in forwarding this letter, under date of October 17, 1918 stated: "We cannot subscribe to the pretensions of the Imperial German government concerning the clothing of prisoners of war, excepting their arms, their horses, and their military papers shall remain their property." (Dennett, *Prisoners of the Great War*, pp. 65-72.)

This action of the German authorities was certainly in violation of the principles of international law, and to make it worse it appears to have been sanctioned by the persons in authority.

The American Red Cross also organized and sent for service with the United States Army fifty base hospitals and 47 Ambulance corps. (*Fair Exhibit Manual, American Red Cross*, p. 31.)

#### c. Help committee.

(1) **General duties.** Help committees received and distributed the consignments in bulk of bread, victuals, clothing and books. Medicines and medical supplies were admitted. Lists were prepared of prisoners of war who had received no news of their families for three months.

These lists contained the names of prisoners of war, the addresses of families and brief communications and requests for news limited to twenty words in telegraphic style. The lists were sent to the Red Cross committee of the captor State or to the international Red Cross committee at Geneva, and committees obtained information from the families as quickly as possible.

**E. Relief methods of Allies of United States, World War.** Gradually the allied governments devised means for getting supplies to the captives who needed them. The English received their supplies from the Central Prisoners of War Committee at London which had relief bureaus at Berne and Copenhagen. French prisoners of war were supplied by various relief bureaus in

Switzerland and France. The French captives were compelled to pay for their food if they could obtain money and they were permitted to order packages varying in cost from one to eleven francs. If they had money they could usually purchase such articles as potted chicken, wine and pastries of different kinds. These parcels were shipped principally by the *Bureau de Secours aux prisonniers de Guerre*, Section Belge. If a captive could not buy food he was referred to one of the relief bureaus which sent him the necessary amount of food.

**F. Committees for entertainment and games.** A sports control committee was organized in one camp during the World War which encouraged games of cricket, tennis, golf, hockey, lacrosse and physical drill, and football. These games contributed materially to the contentment of the captives. (Cohen, *The Ruhleben Prison Camp*, p. 132-140.) In one camp an arts and science union was formed with officers and a committee for the purpose of carrying out recommendations. Lectures were delivered upon subjects of philosophy, science, art, literature and history. In the Summer most of the lectures were delivered in the open air school, and helped considerably. Language study was usually popular and sufficient tutors were found to impart the instruction. Sometimes it was possible to conduct the classes on a basis of exchange, English for German,—Spanish for French, and so forth; but many students, having nothing to give in exchange, had to pay a small fee. (Cohen, *The Ruhleben Prison Camp*, p. 132-140.) Provision should be made for every main camp and every working camp with more than one hundred prisoners of war of the same nationality to have a help committee chosen by the captives from the captives themselves, the membership to be approved by the commandant. Every working party having 10 to 100 of the same nationality should have a representative to act as a channel of communication between the working party and the help committee. The help committee should look after the captives,

parcels, gather news of captives' families, and have regulations pertaining to prisoners of war posted in the prisoners' own language.<sup>1</sup>

**G. Maternity hospitals.** Among the female prisoners of war captured by the Turks confinements were not uncommon. It was necessary to establish a maternity hospital in the Heliopolis camp. The delegates of the international committee of the Red Cross visited that camp January 2, 1917. There were five births during the last three months of 1915. Two more occurred upon the day the camp was inspected. (*Turkish Prisoners in Egypt*, p. 36.)

**H. League for the protection of American captives in Germany.** The American captives of the World War were fortunate to have the League for the Protection of American Prisoners of Germany interested in their behalf. National Headquarters of this organization was at 2437 Telegraph Avenue, Berkeley, California. The officers of this society were Hon. Samuel C. Irving, Mayor of Berkeley, Cal.; Prof. Chas. Mills Gayley, Dean of the Faculties, U. of California; General A. C. Woodruff, U. S. Army retired; Mr. A. W. Naplor, President of First national Bank, Berkeley, California; J. U. Calkins, Deputy Gov. Federal Reserve Bank, Berkeley, Cal.; Mr. Chas. H. Bentley, California Packing Co., San Francisco, Cal.; Mr. Warren Olney, Jr., attorney, San Francisco; Rev. Raymond C. Brooks, D. D., Moderator Congregational churches, Northern Cal.; Mr. James B. Wales, Editor *Berkeley Gazette*; Mr. Sewell Dolliver, retired merchant, San Francisco, California. (John A. Friend, *Ex-prisoners of war association, prison notes and roster, World War, 1917-18.*) The executive board of this society was composed of the following members: Mrs. John Smith, President, Mrs. Charles Millsgale, Treasurer, Mrs. J. U. Calkins, Secretary, Mrs. Anson Blake, Mrs.

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<sup>1</sup>*Problems of peace and war*, vol. 1, 1920, pp. 31, 32.

William Bunker, Mrs. Clark Burnham, Mrs. Edward B. Clapp, Mrs. Andrew Davis, Mrs. Mary Dunham, Mrs. Henry Glass, Mrs. M. W. Haskell, Mrs. John Mitchell, Mrs. John Hinkel, Mrs. Samuel C. Irving, Mrs. S. S. Johnson, Mrs. Walter Y. Kellogg, Mrs. Henry Martinez, Mrs. Ralph Merritt, Mrs. Chas. A. Noble, Mrs. Chas. Palmer.

#### I. Personnel of relief societies selected with care.

A word of warning seems appropriate before leaving the subject of relief societies because great harm may be done by persons serving in them unless these persons are at all times absolutely neutral. This can be better understood by an illustration. Prince Joachim, son of the German kaiser, wishing to serve his fatherland, undertook to work in a disguise as a member of the Red Cross at La Rochelle, one of the base ports of France during the World War. Many attempts were made to burn the military docks and supplies at La Rochelle, France. For eight nights in succession a fire was discovered on the gasoline box but, by good fortune, the fire was quenched before any serious damage was done. There was danger that the entire gasoline supply which constituted more than seventy-five per cent. of the supply for the American Expeditionary Forces would be destroyed. If this had happened the operations of the American Forces would have been seriously crippled. All German prisoners were duly searched before being allowed to pass through the gate where the gasoline was kept but the fire continued to break out. There were over three thousand German prisoners of war at this port. It was evident that the source of these fires must be discovered, and it was believed that the prisoners of war were setting the fires. Under the pseudonym, of Freytag, Prince Joachim entered upon his work as a Swiss Red Cross worker being sent to this compound at the request of the German government to look after the welfare of the German prisoners of war. He made himself universally liked by all who had anything to do with

him. He was quietly efficient and sickly but did not complain about his health until taken sick with the influenza. For weeks he was looked upon as the Swiss Red Cross worker he represented himself to be for he always worked earnestly for the prisoners of war. He was allowed the freedom of the city and was permitted to buy supplies without any restrictions. He tried to keep the prisoners of war under his charge free from vermin and was allowed to purchase chemicals, and, ostensibly for that purpose, purchased chemicals. When he wanted acids to use in this fight no objections were made. Three Americans who had been sent from La Rochelle to the front and brought back to La Rochelle as *German* prisoners of war were industriously trying to find out the source of the fires. They observed that Freytag in talking to a certain group of three prisoners of war always was out in the open, and generally near the center of the compound. He talked to others whether or not many were present. It was about this time reported that prisoners of war were continually losing their blouses. These were the same three whom Freytag had always talked to as a group. It was then discovered that the blouses were lost only after a chemical treatment. The fires continued to break out. Freytag was taken sick. His doctor and nurse were both Americans. He kept his own counsel. His nurse offered to carry on his work for him telling him that although an American by birth she was of German stock and willing to do almost anything to further the German cause. This effort failed. Then she went to the prisoners of war and told them that as Freytag's representative she was willing to do anything for them. She gave special attention to the three men with whom Freytag was most intimate. Finally one of them asked her to get certain chemicals for him, and to tell Herr Freytag that the last chemical was not strong enough; that it would not work quickly enough, and for him to experiment with the new chemicals and to see if the new supply and ration could not be changed. The nurse then told Freytag that another acid was desired

stressing the point that the acid in use was too weak. Freytag said "I will try it out by myself when I recover. The next time you go over to the camp, tell Hans not to use any more until I first try it out here at home. Tell him it is too dangerous and that I wish him to wait until I have recovered and can tell him personally just what proportions to use." Major C. E. Russell who was in charge of the Criminal Military Intelligence section of the U. S. Army at La Rochelle with all the foregoing information decided to experiment with the chemicals himself and his friend the doctor to help him. "You will blow yourself up if you don't look out!" he exclaimed, "Those two acids in contact cause spontaneous combustion and you will set something on fire." With that remark the mystery was solved. Freytag teaching the German prisoners of war to fight vermin had instructed all of them to wash their clothing in the first acid, allowing it to remain on the cloth. Only the three men in his confidence knew the real purpose of the acids. He would give them the small bottle of the other acid, which was stoppered with a small roll of paper. When at work they would take off their blouses and throw them, with a bottle of this acid in the pocket, behind some combustible material on the dock. The acid in the bottle would eat through the paper stopper, and upon the reaching the chemical in the cloth of the blouse it would burst into flame, and the chance of destroying a vast system of docks and vast quantities of oil and gasoline would be excellent. A test was made of the acids and they were found to have the effect described. Freytag became better and was allowed to go for a new supply of chemicals. A plan was made to watch him on his return with the acids for it was expected he would experiment with them. On his return with the acids he went to the cellar and was watched while he experimented for several hours to obtain the proper proportions so as to dissolve the paper and ignite the old cloth. The secret service men then arrested Freytag. He at first denied all charges but when he found what was known about his actions he

asked why any further investigations, saying, "Take me out and shoot me." It was desired to find out who he was but he quietly refused any information. The Germans offered to exchange many prisoners of war for Freytag. At this time the Allied Commanders were anxious to obtain information about the movements of German troops. The American Secret Service volunteered to penetrate the enemy lines to secure this information. Freytag was used as a pawn. One of the American Secret Service men posing as a deserter gained the confidence of the "Council of Five" in Spain, a committee of Germans. He maneuvered so as to obtain the release of Freytag by a spectacular and hazardous escape made while the American guards were firing upon Freytag and the disguised Secret Service man. In this way the Secret Service man was enabled to gain further information about the German spying system in Spain. He and a companion managed to get passage beyond the German lines and finally succeeded in stealing the desired information and escaping back to the American lines with two German army officers whom they had induced to betray their fatherland. Prince Joachim had no direct connection with latter adventures but it was through his intercession on their behalf after they enabled him to escape that these American spies obtained access to quarters from which they obtained the desired information. Prince Joachim died soon thereafter and it was reported that he died "in a fit of nervous excitement." Is it not probable that he brought about his own death from remorse because he had been used as an instrument to bring about an earlier defeat of the forces of his fatherland? (*Stars and Stripes*, Saturday, August 4, 1923.)

**J. The British Red Cross Society and the Order of St. John.** Soldiers are often reported as missing who are later found to be wounded or captives. During the World War the British Red Cross Society and order of St. John undertook to relieve the anxious enquirers at

home by asking questions of patients in hospitals about their comrades. The prisoners of war branch which afterwards grew into the Records Branch of the Central Prisoners of War Committee, began as an offshoot of the "missing" work. The first prisoners' list received by this organization caused much excitement. It was received in Paris on November 28, 1914, through the American Consul General at Berlin and contained 128 names. The enquiry was then fairly launched. Gradually the organization grasped the situation better. The Mediterranean Branch, which embraced Mesopotamia, Baku, Gallipoli, Egypt, Palestine, Salonika, Italy, and finally Archangel, started before the organization moved its headquarters in the Summer of 1915 to Norfolk House from Arlington street where an entire floor was placed at its disposal by the Duke of Norfolk, the prisoners of war branch being housed in the adjoining "London House" by the Bishop. In November 1915 the organization moved to Carlton House Terrace in which, through the generosity of Lord Astor and his son it remained to the end occupying fourteen rooms and later on a hut on the terrace also. The preponderance of enquiries over reports in 1918 (enquiries received 164,485,—reports 116,251) was caused by the fact that the sudden advance of the German offensive not only made information hard to get, but produced an exceptionally large proportion of prisoners of war whose names were canceled almost before they could be listed. Often the families of prisoners of war heard from them before the organization itself. However, latterly a big work was done by forwarding information from prisoners of war lists. The enquirers as a whole seemed touchingly grateful throughout all the years of work of this organization for the information supplied by it.<sup>1</sup>

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**<sup>1</sup>The British Red Cross and order of St. John, a short account of the enquiry department for the wounded and missing and its work, 1914-1919.** Mrs. Wm. (G. G.) Buckler of Baltimore and London worked with the British Red Cross and order of St. John, and prepared this pamphlet.

**K. Agreement between Great Britain and Germany.**

Great Britain and Germany agreed that in every main camp for prisoners of war and in every working camp wherein the captives numbered more than 100 of the same nationality, there should be established a help committee freely chosen by the captives and from the captives themselves. In the same manner every working party from 10 to 100 of the same nationality chose one representative.<sup>1</sup>

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<sup>1</sup>Agreement between the British and German governments concerning combatant prisoners of war and civilians, October 1918, p. 14.



## CHAPTER XI

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### A. Cartel and exchange.

1. **Definition.** The agreements relating to the exchange of prisoners of war are called cartels and exchanges. In the customary military sense a cartel is an agreement entered into by belligerents for the exchange of prisoners of war. In its broader sense it is a convention concluded between belligerents for the purpose of arranging or regulating certain kinds of non-hostile intercourse otherwise prohibited by the existence of war. Such agreements should be made in writing for they contain too many conditions to be borne in mind accurately. The form of other military agreements may be used to advantage. The Supreme court of the United States in U. S. vs. Wright, 28 Fed. Case, 796, held that both belligerents are bound to observe the terms of a cartel and that even a sovereign cannot annul them.

Although a belligerent may retain prisoners of war in captivity until the end of war it is often better for the belligerent and nearly always best for the captives that the captives be sent back to their own country reciprocally. This is called an exchange of prisoners of war. It relieves the belligerents from the duty of guarding and supporting the captives, and permits the nationals who have fallen under the power of the enemy to be returned without any difference in effectiveness of the two forces. A State which fulfils an agreement to exchange captives performs a moral duty.<sup>1</sup> The laws do not, however, require these exchanges. Treaties are sometimes entered into before a war binding the contracting parties to exchange<sup>2</sup> captives in the event of war. These should of course be observed like all other treaties.

2. **Development of the practice.** The exchange of prisoners of war is a usage found in all epochs of his-

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"It is obliged to deliver its citizens and soldiers who are prisoners of war, which it can without danger and for which it has the means; they have undergone a misfortune and for its service and for its cause." *Droit des gens*, liv. III, chap. VIII, sec. 154.

<sup>1</sup>See *American Instructions*, 1863, art. 105-110.

tory after the lives of captives were occasionally spared. It was in conformity with the ancient custom of considering them as slaves. Livy cited a convention for exchanging slaves which took place between Hannibal and Fabius.<sup>1</sup> Regulus acted as negotiator of an exchange of prisoners of war during the first Punic War. Grotius mentioned the ancient exchange of captives, and states that Demosthenes in his epistle for Lycurgus highly commends Philip of Macedon because he did not make all that were found among his enemies slaves. He weighed the merit of each person, and acted rather the judge than the conqueror.<sup>2</sup> Until that time the idea prevailed to some extent that captives belonged to the persons capturing them. The custom of exchanging captives even in time of war developed in the course of time. In 1666, a diplomatic agent was sent to Holland from England to negotiate an exchange of prisoners of war between the two powers. It seems not improbable that Humanity is indebted to the Dutch for initiating the modern practice of exchanging prisoners of war during the progress of war.<sup>3</sup>

3. **Neutral State may offer its assistance.** Negotiations of cartels may be confided to a neutral state to facilitate the agreement. Austria served thus as an intermediary between the belligerents during the Crimean War.

4. **Orders of military commanders.** Generally the military commanders have the power to decide whether cartels should be accepted or rejected. Such powers may be delegated to the corps commander.

5. **Approval of supreme authority of the State.** The question may arise whether the decision of the military authorities are subject to the approval of the supreme

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<sup>1</sup>History of Rome, Book XXII, chap. XXIII, English translation by Baker.

<sup>2</sup>Grotius, *Droit de la guerre et la paix*, liv. III, chap. XIV.

<sup>3</sup>Twiss, *Law of nations, Time of War*, chap. IX sec. 177.

power of the State, as is the case with other agreements. The *American Instructions*, 1863, provide that a cartel may be agreed upon when sanctioned by the government, or the commander of the army of operations. (Art. 106.)<sup>1</sup>

**6. Prepared by civil commissioners.** Sometimes the negotiations of the cartels of exchange have been conducted by the civil commissioners appointed for that purpose. The French-English cartel of September 13, 1798 was prepared on the one hand by English commissioners for the service of transports and for the care of the guard of the prisoners of war and on the other hand by the French commissioner for all that relates to the exchange and treatment of prisoners of war.<sup>2</sup> It is, however, more logical to confide the negotiations of the cartels to the delegates taken from the ranks of the army. Moreover, the French national convention prescribed in a decree of the 25th of May 1793 to the commanding general of each army of the republic, the designation of an officer of high rank and a war commissioner to determine by a cartel with the officers named by the enemy the exchange of prisoners of war and the number of captives to be included, setting forth in detail the plan for these cartels. These cartels should, when prepared, be sent immediately to the commander in chief for the purpose of ordering the execution of them. The commanding general would then render only an account of the measures taken to the secretary of war.<sup>3</sup>

**7. Power of military commander to arrange details.** When cartels are prepared by neutral States the military commanders should be given some discretion to modify the terms thereof pertaining to the place and the method of exchange. Cartels of this kind are the objects of notes of exchange through the intermediary

<sup>1</sup>U. S. Manual, p. 102, Lieber, art. 109; Oppenheim, *Land warfare*, par. 239.

<sup>2</sup>De Clercq, *Recueil des Traites de la France*, t. 1, p. 367; du Payrat, p. 396.

<sup>3</sup>De Clercq, *Recueil des Traites de la France*, t. 1, p. 225.

of the neutral States, for example, the notes of the 13th of August, 1855 between France and England and Russia and communicated by the representatives of Saxony and Denmark (De Clercq, *Recueil des Traites de la France*, t. VI, p. 575). During a campaign, agreements of this nature should take on a character exclusively military. The French regulations of March 21st, 1893, accordingly reserved the right to exchange prisoners of war for the decision of the secretary of war or the commander in chief when communications become interrupted (art. 12) (du Payrat, p. 378).

**8. Designation of captives to be exchanged.** The conditions of exchanges have been set out in numerous agreements. At first there should be selected those who have been in captivity a long time. The belligerents should submit lists of the captives, their names, surnames, ages, the date and place of capture. Some persons, such as deserters, should not be included in exchanges. Deserters especially should be held to answer for their offenses according to the military justice of their country. The French regulations exclude them from exchanges (art. 12), as well as spies, traitors, brigands and marauders, whose conduct has merited not only the captivity of war but also punishment. As for the sick and wounded, the convention of Geneva of 1906 provided that they should be exchanged as has been previously set forth herein. The French regulations of 1893 authorized the military commander to proceed in this operation without awaiting the authorization of the secretary which is necessary in other cases (art. 11). The military valor of various captives may be a matter of interest, and members of shock troops may have a more difficult task to be exchanged than captives of little battle experience. When two or more nations are allied for the purpose of making war, exchanges of all allied prisoners of war without preference of nationality should be made. Failure to observe this principle prevented an exchange of prisoners of war in 1810 between

France and England. The latter held 50,000 French prisoners of war; Napoleon did not have so many English captives but 50,000 allied Spanish and Portuguese captives of his enemy were exchanged; he proposed to surrender 1,000 English and 2,000 Spaniards or Portuguese for 3,000 French. The British government was not interested in its allies and undertook to limit the exchange to the English and French only. Napoleon protested and the English offered to compromise by accepting a general exchange on the conditions that the British captives would be sent back before the end of the war. The emperor feared that the British government, after being in possession of its nationals, would refuse to continue the exchange; so it broke off the negotiations again, and the captives remained in captivity until the end of the war. (*Calvo, Droit intern.* t. II, p. 148; also *du Payrat*, p. 380). England condemned her own conduct in the convention that she signed at London the 10th of May 1854 with France, her ally, in the struggle against Russia. Here is the substance of article 4 of that agreement: On the faith of the two governments an exchange of prisoners of war will be made without distinction between the respective subjects fallen under the power of the enemy, but their liberation will be stipulated by reason of the priority of the date of their capture, except under special circumstances. (*De Clercq, Recueil des Traites de la France*, t. VI, p. 438).

#### 9. Basis of exchange.

a. **General principle.** All cartels should determine the basis upon which the exchange will operate. The habitual rule has been to proceed, man for man, grade for grade, wounded for wounded, without taking account of the arm of service and the length of time in captivity.

b. **Duration of captivity.** More recently captives who have been in captivity for the longest period of time are returned first. Two difficulties are encountered; the first is that the denomination of grades in different ar-

mies are not the same and it becomes necessary to take the nearest equivalent grade. The second difficulty arises from the fact that the number of prisoners of war of different grades do not correspond exactly.

c. **Grade equivalents.** The exchange of prisoners of war of a superior grade for a larger number of captives of an inferior grade according to an agreement arrived at by the belligerents, will assist somewhat towards a satisfactory settlement. The principle of equivalents was authorized in the *American Instructions*, 1863, art. 106.

(1) **French Decree of 1792.** The French national assembly announced in a decree of the 16th of September 1792 that it would not have the tariff of exchange so that an officer or a non-commissioned officer of whatever grade he might be could be exchanged for a greater number of individuals of inferior grade (art. 2) but that the common basis of exchange would be man for man, grade for grade (art. 3). This principle of equality was not respected in the cartel of exchange concluded at London, September 13, 1798 which stipulated that the French and the English officers whose rank did not correspond to any officer under the jurisdiction of the other power would be exchanged for their equivalent (art. 21).

(2) **Anglo-Franco-Russian cartel, 1855.** The Anglo-Franco-Russian cartel of 1855 arranged the prisoners of war in three categories: 1st, general and superior officers; 2nd, officers from the grade of second lieutenant of the navy and captain of the army; 3rd, non-commissioned officers and soldiers. It was agreed that prisoners of war should be exchanged man for man, according to their categories, a non-commisioned officer in the place of two soldiers. If a prisoner of war of one of the first two categories could not be exchanged for a prisoner of war of the same category, his exchange would take place against the prisoners of war of the third category, 30 men for a prisoner of war of the first category, and fif-

teen men for a prisoner of war of the second. (De Clercq, *Recueil des Traites de la France*, t. VI, p. 575).

If a captive endeavors to misrepresent his rank, hoping thereby to be exchanged more easily, he may be excluded from the exchange entirely if detected, and deprived of other privileges of captives of his category. All cartels of exchange should be executed for the faith of belligerents in one another may be maintained better thereby. (Vattel, *Le Droit des Gens*, liv. III, Chapter X, Sec. 174).

(3) **Franco-English, 1798.** When an exchange has taken place within the theatre of war after a battle, its execution will necessitate a truce of some hours between the belligerents. If an exchange is desired between prisoners of war already transported to the centers of internment, the powers may send mutually commissioners for the details of the execution of this exchange. By virtue of the Franco-English arrangements of the 13th of September, 1798, the prisoners to be exchanged of the two nations were chosen by the respective agents at Paris. (Art. 3, De Clercq, *Recueil des Traites de la France*, t. I, p. 368).

An exchange of prisoners of war will be opened upon the field between the two powers, man for man, grade for grade. The French government will commence to send to England a certain number of English prisoners of war, comprising five officers for 100 men. On their arrival in England the British government will send back without delay to France an equal number of French prisoners of war. (De Clercq, *Recueil de Traites de la France*, t. I, p. 368).

(4) **Franco-German, 1871.** The details of the exchange agreed upon in the Franco-German armistice of the 28th of January, 1871, were less complicated. Article 14 of that convention provided substantially as follows: that an exchange of all prisoners of war would be made by the French army immediately after the commencement of war. The French authorities will remit

the lists of names of German prisoners of war to the German military authorities at Orleans, LeMans, Vesoul. The placing at liberty of the German prisoners of war will be effected at the points nearest the frontier. The German authorities will send in exchange to the same points and with the least possible delay an equal number of French prisoners of war of corresponding grades to the French military authorities.

### (5) During the World War.

(a) **Between France and Central Allies.** The Austrian Red Cross telegraphed to the Russian, Italian, and French Red Cross headquarters pursuant to the call of the International Red Cross that the American government consented to negotiate concerning reparation and proposed to Russia to send to their country all the prisoners of war captured before the 1st of May, 1915; to Italy, to exchange the first convoy of 500 officers and 20,000 men of the troops captured before August 1, 1916, by commencing with those whose captivity had been the most severe; to France, finally, to exchange a first contingent of French officers, 100 French and 9,900 Serbs against Austro-Hungarian officers and 10,000 soldiers, all captured before August 1, 1916. These exchanges were subject to the condition that the repatriated should not be employed in the service of the army at the front. After negotiations between France and Germany in May 1917 new agreements were concluded. Arrangements were made for exchange, head for head, of fathers of families aged more than 40 years with internment in Switzerland of the non-exchanged, and exchange, head for head of those under 40 years having undergone more than 18 months of captivity. Internment was provided for in Switzerland of officers of this category. The international committee made all efforts to conclude these negotiations, and wrote on November 15th, 1917, to the minister of war at Paris to solicit a definite response, Germany already having given her consent. On May 15, 1918, the international committee of the Red Cross pub-

lished a statement setting out the importance of the principles relating to prisoners of war and their families and expressing to Germany and France how fortunate it was that these two nations should enter resolutely into the furtherance of the interests of humanity, as well as of their own interests. The same day the Franco-German agreement, concluded at Berne, April 27, 1918, permitted the repatriation of all the prisoners of war of more than 18 months of captivity, head for head, grade for grade, without regard to number in each grade, and for the return of those who were more than 40 years of age having more than three children, as well as those who were more than 45. More than 10,000 prisoners were returned by each of the two belligerents by this agreement. In 1917 the international Red Cross called the attention of the different countries to the necessity of exchanging able-bodied prisoners of war as well as those severely wounded. The different agreements signed in 1917, 1918, at the Hague, Berne, and Copenhagen admitted the principle of repatriation of prisoners of war who had undergone a long captivity, and the principles were put into practice before the conclusion of the armistice in 1918. (*Bulletin International de la Croix Rouge*, t. LVIII, 1917, pp. 142 and 221).

(b) **Between England and Germany.** For the purpose of repatriation of prisoners of war held by Germany and England, a detailed plan of transportation was provided by the German and British delegates at the Hague during the period 8th June-19 July, 1918. Regulations were agreed upon governing the voyage of the prisoners of war; the passengers allowed to be carried on the return trip of the vessel used as transports; a miscellaneous provision for the payment of the expenses of such transportation. A transport commission was provided to determine the routes and the special markings. (*An agreement between the British nad German governments concerning combatant prisoners of war and civilians, presented to Parliament*, October 1918, pp. 5-16-20).

## 10. By the United States.

### a. During the American Revolution.

(1) **First attempts of American colonists.** An exchange of prisoners of war took place to some extent before General Washington took command of the revolutionary forces at Cambridge. Prisoners of war were captured on both sides during the engagement at Lexington April 1775. The British prisoners of war were taken charge of by the Local Committee of Safety. Certain prominent citizens among the patriots were also seized by royal authorities among them being John Brown of Providence. On April 28, the Provincial Congress ordered Samuel Murray and certain British officers who were held prisoners of war to be sent under guard to Providence, and delivered to Hon. Stephen Hopkins, or any other friend of Mr. Brown, to be made use of in obtaining the liberty of Mr. Brown and two others who were on board a British ship of war at Newport.

On the sixteenth of June there was an exchange of prisoners of war at Charlestown by Warren who was then the executive officer of Massachusetts, and General Putnam for the Americans and Major Moncrie for the British who landed from the "Lively." (*Massachusetts His. Soc. Proceedings* 1860-62, pp. 325-327, *Report on the exchange of prisoners during the American Revolution*).

To understand the attitude of Great Britain towards the persons captured in arms against her, we should consider a measure adopted after the war had been in progress for some time, and after it was deemed necessary to arm the crown with extraordinary powers with reference to the custody and detention of prisoners of war, we should observe that the law and custom of England required that any man imprisoned on a criminal charge within the realm should be brought to a speedy trial or be discharged on habeas corpus. The same law and custom prevailed in the colonies; but, in the most of them, no means for the detention or trial of prisoners of war,

charged with offenses against the crown, existed after the war had actually begun. To obviate these inconveniences, and to furnish power to confine American prisoners of war anywhere within the king's dominions, the British minister Lord North, on the 6th of February, 1777, declared that his bill showed three important things: 1st, that the government intended to reserve and exercise all its sovereign judicial powers of punishment; 2nd, that it meant to punish for treason, or for piracy in accordance with the law of England making prisoners of war amenable to punishment if taken on land; or from being taken on the sea cruising against the British government's commerce; 3rd, that it was intended to have the trials for such offenses take place at the pleasure of the crown, thus holding the prisoners of war in a position to be dealt with as criminals or as ordinary prisoners of war, when the executive branch of the government might find it expedient.

In the debate on the bill, the minister could only defend himself on the charge that, under the bill, a man could not know whether he was to be treated as a felon or as a prisoner of war, by repeating that it was necessary to give the crown extraordinary power of holding persons arrested until circumstances might make it advisable to proceed against them criminally. This very significant observation shows quite plainly that the power to treat prisoners as either prisoners of war or as criminals, according to the exigencies of policy, was what the minister sought and obtained. The treatment, which different prominent Americans received who were made prisoners of war during the course of that war, was in harmony with the double powers thus obtained by the crown. Colonel Ethan Allen was one of the first Americans to undergo the captivity, he having been taken at Montreal, September 24, 1775. He was delivered to General Prescott, the British commander who treated his prisoner with great rigor. Prescott was soon taken a captive by the Americans at Rhode Island. As soon as the treatment to which Allen was subjected was known

to the Congress, and to General Washington, the latter, on the 18th day of December 1775, wrote to Sir William Howe, announcing that whatever fate Allen should undergo would be meted out to Prescott; and at the same time intimating that he (Washington) was ready to enter into an exchange of prisoners, Congress having resolved that an exchange was proper, "citizens for citizens, officers for officers of equal rank, and soldiers for soldiers." Sir William Howe replied (December 23) that the limits of his command did not extend to Canada and that he knew nothing of the case of Allen. He took no notice of that part of Washington's letter which related to a general exchange. But, on the next day, Sir William wrote to the secretary for the colonies, enclosing the retaliatory proclamation of Congress and saying he would enter upon exchange without the king's orders. (Sparks, *Writings of Washington*, taken from Mass. His. Soc. Proceedings, 1860-62, pages 330-331, Boston, 1862.) Previous to that time, and, in fact, soon after he was taken, Allen was sent to England in irons as a traitor, and was confined for a time in Pendennis Castle. That, of course, took place before Lord North's act, already referred to, was passed. The inconveniences of holding such persons in prisons were evidently the cause of the enactment of the law just mentioned. In the summer of 1776, Lieut. Col. Campbell, a member of Parliament and a gentleman of considerable fortune, was captured on a transport in Boston harbor. With a body of two hundred and ten Highlanders, Colonel Campbell was confined in Concord jail. At the close of the campaign of 1776, the British had an aggregate of about five thousand American prisoners of war. The Americans held about three thousand British prisoners of war. Major General Charles Lee, the officer of the American Army next in rank to Washington, was captured. Sir William Howe apparently believed that Lee was amenable to military punishment as a deserter because he had held a commission in the British army; and Lee was treated accordingly and with great severity. General Washington pro-

tested vigorously, and threatened that any injury done to Lee would cause retaliation upon the Hessian and British officers in the hands of the Americans. He, at the same time, offered to exchange five Hessian officers for General Lee. This step was taken by General Washington, by order of Congress, January 13, 1777. Lee was not exchanged at that time, but was held for trial as a deserter. On July 20th, 1776, Sir William Howe sent his adjutant, Lieut. Col. Patterson, to have a personal interview with General Washington. He stated that he was now in authority to agree to an exchange. On the 30th of July, Washington wrote to Sir William Howe, informing him that Congress wished to negotiate a general exchange of Continental officers for those of equal rank, soldier for soldier, sailor for sailor, and citizen for citizen. On August 1st, Sir William Howe replied with great courtesy agreeing to a mode of exchange proposed (excepting as to seamen, concerning whom he referred General Washington to the admiral) but excluding deserters from the scope of the agreement. (See Sparks, *Writings of Washington*, and appendices.) Many exchanges took place from 1776 to 1778 and there were mutual complaints. In the correspondence between General Howe and General Washington it appears that Washington had both "respect and reverence" for the accomplished and humane British general, Howe, who was prosecuting the war of a sovereign against rebellious subjects and insisted upon the most liberal application of the rules of war in respect to the exchange of prisoners of war. He was anxious to have even a daily exchange so as to *include* stragglers, but Washington stated that the custom of war did not require it nor the interest of the army permit it. General Howe stated that he did not agree that the custom of war would not permit an exchange of this kind. Whatever may have been the motive of Sir William Howe, he as the military representative of his government in conducting the war is given credit for insisting upon applying what he has understood to be the rules of war to the relations of the

two armies with each other, although one of those armies was composed of rebels in the eyes of the British law and in his own opinion. (*Sparks' researches in the English State papers office*). Such continued the relations until 1776 when the case of Lee was referred to his government by General Howe. December 20, 1776 Sir William Howe wrote to Lord George German (minister) "General Lee, being considered in the light of a deserter is kept a close prisoner but I do not bring him to trial as a doubt has arisen, whether by public resignation of his half-pay prior to his entry into the rebel army, he is still amenable to the military law as a deserter. Upon which point I shall wait information and if the decision should be for trial on this ground, I beg to have the judge's opinion to lay it before the court. Deserters are excluded in my agreement with the enemy for exchange of prisoners."

To the above the minister replied:

"As you have difficulties about bringing General Lee to trial in America, it is his majesty's pleasure that you send him to Great Britain by the first ship of war." Sir William Howe wrote, in answer to this:

"Washington declines to exchange the Hessian field officers taken at Trenton, or Lieut. Col. Campbell, unless Lee is recognized as a prisoner of war. Lee is, therefore, detained for further instructions; being apprehensive that the close confinement of the Hessian officers would be the consequence of sending Lee to Britain and that this would occasion much discomfort among the foreign troops." This measure of caution was approved and the minister replied: "His majesty consents that Lee (having been struck off the half pay list) shall, though deserving the most exemplary punishment, be deemed a prisoner of war; and may be exchanged for such, when you think proper." Lee was, accordingly, exchanged for General Prescott at some time in April 1778. This was while our colonies were still classed as "rebels" and six months before our treaty of alliance with France. Yet General Lee's imputed criminality,

both as a traitor and as a deserter, was all waived to prevent the military inconvenience and the suffering of British officers which would have resulted from treating him otherwise than as a prisoner of war.

Ethan Allen and about forty other Americans were taken prisoners of war in Canada and immediately sent to England and lodged in Pendennis Castle as traitors. Allen was sent back to America as a prisoner of war in 1776. He was not under the control of Sir William Howe, however, when that officer sent his adjutant to General Washington to propose an exchange of prisoners of war. The *Annual Register* contained a statement that "whilst their friends in London were preparing to bring them up by habeas corpus to have the legality of their confinement discussed, they were sent back to North America to be exchanged." (*Annual Register*, Vol. 18, p. 187; *Mass. Hist. Soc. Proceedings*, 1860-1862, pp. 331-332). At length, Allen and the men who had been captured with him were put aboard the fleet commanded by Sir Peter Parker which sailed from Cork in February 1776. They were taken to North Carolina and to Halifax, and then to New York where they were exchanged by General Howe.

(2) **Negotiations for a general cartel.** It remains to be shown why a general cartel was not entered into between the Continental Congress on the one side and the King's government on the other. Congress and General Washington desired such an agreement to last during the war and to include all prisoners of war. After much negotiation, it failed, for reasons set forth by Mr. Sparks in a note in his fifth volume, page 316, as follows:—

"Commissioners from General Washington and General Howe met at Germantown on the 31st of March, 1778, where they remained three days. They met again, April 6, at Newtown, in Bucks county. A difficulty arose, at the outset, concerning the nature of the powers contained in General Howe's commission. It was given no other authority than his own; whereas the commission

from General Washington expressly specified that it was 'in virtue of full powers to him delegated.' This defect was objected to by the American commissioners, and the subject was referred to General Howe, who declined altering the commission declaring at the same time, 'that he meant the treaty to be of a personal nature, founded on the mutual confidence and honor of the contracting generals and had no intention, either of binding the nation, or extending the cartel beyond the limits and duration of his own command.' As this was putting the matter on a totally different footing from that contemplated in General Washington's commission, by which Congress and the nation were bound, and as General Howe's commissioners refused to treat on any other terms, the meeting was dissolved, without any progress having been made in a cartel. It was intimated by the British commissioners, as a reason why General Howe declined to negotiate on a national ground, that it might imply an acknowledgement inconsistent with the claims of the English government."

We may, therefore, conclude that the English government was unwilling to make a total surrender of its political rights by entering into a national cartel embracing all captives, and extending through the war. The negotiations for this cartel broke off April 6, 1776. Another effort to negotiate a cartel terminated unsuccessfully for similar reasons. English records have been found showing that instructions were given to General Howe not to negotiate on national grounds. (*Mass. His. Soc. Proceedings*, 1860-1862, pp. 339-341.) The second attempt is now narrated in detail.

(3) **Second attempt for general cartel.** A second attempt was made to arrange a general cartel with Sir Henry Clinton in 1779. Commissioners were designated by each belligerent. The British commissioners were instructed not to admit of any preamble, title, or expression tending to the acknowledgement of independence of Great Britain. But the negotiations brought no desir-

able results partly on account of the difficulties respecting troops and partly concerning adjustments of accounts of prisoners of war.

In January 1780, General Washington was informed by the American minister to France that on account of the difficulty of procuring men, the commander in chief had been instructed to treat of a cartel on a national footing rather than to fail to obtain reinforcement of their army by a release of their prisoners of war in the hands of Congress. Washington instructed his commissioners to do nothing unless the British commissioners should come with national powers. Another meeting took place at Amboy on the 31st of March 1780. The effort again failed for the enemy did not have the remotest idea of treating on national grounds. (*Sparks, Writings of Washington*, Vol. VII, note, p. 3). Perhaps political considerations interferred to prevent the exchange of prisoners of war. There might have been and should have been an explicit understanding that agreements for the exchange of prisoners of war should have no bearing on the other relations of the parties, and that the great points at issue rest on precisely the same foundations as if no occurrence of this sort had taken place. The exchanges during 1779-80 went on, as before, without any, general cartel through commissioners of prisoners of war, or by direct correspondence between the generals. In November 1780, as many as one hundred and forty American officers and four hundred and seventy-six privates were exchanged at one time. Henry Laurens, President of Congress, and proposed minister of the Congress to the Hague, was captured off the coast of Newfoundland, carried to London, and committed to the *Tower*, on the charge of treason. The British claimed that the right had been preserved to treat captured "rebels" other than as prisoners of war inasmuch as the British had never recognized the sovereignty of the colonies by a cartel of prisoners of war. In August 1776 Hartley of England corresponded with Franklin on the subject of the exchange of prisoners of war. He succeeded in ob-

taining from the British admiralty an agreement pertaining to English prisoners of war under Franklin's control in France. In 1782, the number of American prisoners of war confined in England was not far from eleven hundred. In April of that year, in consequence of a proposition sent to Franklin, an act of Parliament was passed to consider them as prisoners of war and exchange them as such. In general, however, American prisoners of war were held in England under the authority of the Lord North Act of February 1779. If the war had terminated differently, perhaps, there would have been some trials of prisoners of war for treason, desertion and so on. A nation may if successful deal with such offenders in that manner when no political admissions have been made for the purpose of making exchanges. The precedents of the American revolution show that exchanges can be made by agreement between the generals without a recognition of sovereignty. (Mass. His. Soc., *Report of exchange of prisoners during the Revolutionary War*).

The failure to exchange prisoners of war during the American Revolution was not on account of the British viewpoint entirely for on July 10, 1780, General Washington said "exchange of prisoners, though urged by humanity, is not politic. It would give force to the British, and add but little to our own. Few of the American prisoners belong to the army and the enlistment of those who do, is nearly expired." (Onderdonk, p. 233). General Washington declined Sproat's proposition to exchange British soldiers for Americans as he considered that it would give the British considerable reinforcement and would be a constant draft thereafter on prisoners of war in the hands of the Americans. Few of the naval prisoners of war, if any, belonged to the Continental service. Captains of vessels were instructed to turn in their prisoners of war in a common stock under the direction of a commissary general of prisoners of war. (Onderdonk, *Revolutionary incidents of Suffolk and Kings Co.*, p. 234).

As a basis of exchange it was proposed that officers be exchanged for officers, soldiers for soldiers, citizens for citizens, and seamen for seamen. General Washington objected to the British offer to exchange seamen for soldiers alleging that it was contrary to the practice of nations, and that it would be contrary to the soundest policy to give the enemy a great and permanent strength for which he could receive no permanent compensation. The British endeavored to foster in the American seamen a feeling of jealousy and to make them believe that they were neglected by General Washington who did not negotiate when it was within his power. (*Onderdonk, Revolutionary incidents of Suffolk and Kings Co.*, p. 242). Before November 7, 1780, one hundred and forty American officers and all American prisoners of war in New York (476) were exchanged.

b. **During the American Civil War.** During the American Civil War of 1861-65, prisoners of war were exchanged and belligerents' rights were accorded to the rebellious States at least to the extent of exchanging prisoners of war whether "privateers of war men" or soldiers. The rights of sovereignty were not conceded, there being a well defined distinction between belligerent rights and sovereign rights. Bitter controversies arose pertaining to the exchanges; in order that some benefits may be derived by a study of the cause of the difficulties a brief review of them is inserted here. There was no formal agreement for exchanges of prisoners of war during the first year of that war the captives being exchanged by mutual agreement of the opposing commanders. After this method proved unsatisfactory a better way was provided for on the 22nd of July 1862 a cartel of exchange was drawn up and agreed upon by General John A. Dix, and General D. H. Hill. By its terms all prisoners of war were to be discharged on parole within ten days after capture, and those already captured were to be conveyed to points mutually agreed upon at the expense of the capturing party. The surplus was not to

go back to service until agreed upon (Moran, *Bastiles of the Confederacy*, p. 21). Under that agreement exchanges were made for one year without serious friction, the excess of prisoners of war being somewhat in the favor of the Confederates. The captures, however, at Gettysburg, Vicksburg, and Port Hudson turned the tide. Charges of bad faith were made to the effect that cartels had been violated. As is customary the prisoners of war who had no possible responsibility for these allegations were the victims for exchanges of the captives thereupon ceased. The essential points of the disagreements may be related as follows: In the Spring of 1863, Colonel A. D. Streight with a mounted brigade set forth on an extended raid into northern Alabama. Much damage was done but his force was overpowered and compelled to surrender by Confederates under General N. B. Forest. Negroes had followed Streight's column from Alabama and were turned over by General Forest to the State authorities. Streight and his officers were paroled and were furnished copies of the terms of surrender which stipulated for exchanges as soon as practicable. The authorities of the Confederacy at Richmond refused to approve terms granted by Forest, and Streight with his officers were informed that they were to be returned to Alabama authorities to be tried for abducting slaves. About that time 100 Confederate officers were taken under a flag of truce to City Point for exchange, but inasmuch as there was no equivalent for them at Richmond except Streight and his officers these persons were confined in Libby prison. It has been alleged that this was a violation of the cartel agreement by the Confederate authorities. Another alleged violation of a cartel was that of a small number of Federal parties, foragers, stragglers, and the like who had been captured at various times and places by small independent commands under Mosley, Imboden, Ferguson, McNeil, and paroled at places of capture to avoid trouble and expense of conveying them to the points of exchange specified in the cartel. Other alleged violations of cartels

were that pertaining to the force of Pemberton taken by Grant at Vicksburg who were restored to active duty in the Confederate army and that of the detention of citizens, army surgeons, and chaplains many of them having been taken in Lee's Pennsylvania campaign. President Davis issued a proclamation that runaway slaves who had enlisted in the Federal army should not, if captured, be recognized as soldiers. Officers who were captured commanding negro troops were treated with indignity, locked up in jails with murderers and thieves. A small apartment about 12 feet square was specially constructed and several white officers were locked in with a number of negro privates who had been captured. (Moran, *Bastiles of the Confederacy*, p. 22). The Confederate authorities gave as reasons for discontinuing the exchanges that general order no. 217 issued at Washington July 3rd, 1863, which declared that in substance that all prisoners must be reduced into actual possession, and all prisoners of war must be delivered at the place designated there to be exchanged, or paroled until exchanges could be effected did not contain a provision that the paroled officer giving an unauthorized parole should return into captivity. (Moran, *Bastiles of the Confederacy*, p. 18.) Failure to carry out the humane provisions of exchanges should not be charged against the Confederacy alone. It is merely another example of the application of the doctrine of expediency instead of the principles of humanity and Christianity. Official records disclose that the policy of the general officers of the Federal government and that of the secretary of war Edwin M. Stanton prevented the exchange of prisoners of war on the ground that if the captives were promptly exchanged they would swell the ranks of the enemy. President Lincoln did not approve such a course. Believing firmly in the principles of humanity as indicated by his desire to obtain freedom for the slaves he desired immediate exchanges. General Grant, however, was of the opinion that the captives might better be in Northern prisons than shooting his soldiers on the battlefield. Oth-

er officers concurred in Grant's opinion, and President Lincoln was overruled, and secretary Stanton's idea prevailed. (Holmes, *Elmira Prison Camp*, p. 5). An effort was made to fix the blame for failure to exchange the captives. General Robert E. Lee testified that he made several efforts to exchange prisoners of war after the cartel was suspended. Said he, "I do not know to this day which side took the initiative. I know there were constant complaints on both sides \* \* \* I offered to General Grant, around Richmond, that we should ourselves exchange all the prisoners in our hands. There was a communication from the Christian commission, I think, which reached me at Petersburg, and made application to me for a passport to visit all the prisoners South \* \* \* I told them I had not the authority, that it could be obtained of the war department at Richmond but that neither they nor I could relieve the sufferings of the prisoners; that the only thing to be done for them was to exchange them; \* \* \* and to show that I would do whatever was in my power, I offered to send to City Point all the prisoners in Virginia and North Carolina over which my command extended, provided they return an equal number, man for man. I reported this to the war department, and received for answer that they would place at my command all the prisoners at the South if the proposition were accepted. I heard nothing more on the subject." (*So. Hist. Soc.*, Vol. I, p. 120-121, gives a comprehensive treatment of the treatment of captives of the American Civil War.)

In time of war many details must be left to the departments of the government. In a previous chapter the importance of adopting a sound humane policy and insisting that this policy be carried out by the subordinate commanders has been emphasized. The results of a failure to adopt and apply this principle justify inviting attention thereto. International Rules for exchange should be provided for in time of peace by the nations.

**c. During the World War.**

(1) **Obstacles.** The principle of exchanging prisoners of war during the World War was not willingly applied by some belligerents. Germany did not wish to exchange her captives with England for it was believed that England needed soldiers more than Germany, and it was also believed in Germany that the English labor unions would object to employment of prisoners of war.

(2) **Partial exchange by internment in neutral country.**

(a) **Captives considered for exchange.** The objection to an exchange offered by military commanders is that it may be overcome by internment in a neutral country. During the World War an opportunity was afforded to try out the internment of prisoners of war in a neutral country. Arrangements were made with Switzerland to have the prisoners of war interned in that country but it was only after prolonged negotiations that an arrangement was effected covering the conditions of exchanges of wounded and ill captives in accordance with the provisions of paragraph 3, Geneva convention 1906, Chapter I, article 2. Local boards were convened in the different army corps and the British who were chosen for exchange were assembled at Aix-la-Chapelle and passed on by a board consisting of several medical staff officers and an officer representing the line. The conditions which permitted internment are worthy of note; and the following are set out to show the requirements thereof:

(a) All severely wounded and sick who because of their injuries or the disease with which they were suffering who could not resume active service, and in case of officers and non-commissioned officers who could not perform office work or instruction of recruits might be considered for exchange.

**(b) Injuries warranting exchange:**

- (1) Entire or partial loss of one or more extremities (hand or foot).
- (2) Impaired usefulness of one or more extremities because of stiffness, atrophy or shortness of muscles, false joints, disease of spine, loss or paralysis of extremity.
- (3) Permanent paralysis, a severe degree on account of location.
- (4) Injury to brain with severe sequelae.
- (5) Injury to spinal cord with severe sequelae.
- (6) Loss of sight in both eyes (blindness). Loss of sight in one eye and a marked diminution of vision in the remaining eye.
- (7) Severe disfigurement of face and severe injury of oral cavity.
- (8) Protracted illness from wounds.
- (9) Wounds of chest.
- (10) Abdominal and pelvic wounds.
- (11) Advanced pulmonary tuberculosis.
- (12) Chronic illness as a result of internal disease.
- (13) Incurable mental diseases.

It has been estimated that 6,000 captives must have been condemned to death by holding them under such conditions instead of sending them to the neutral places of internment. Captives suffered for proper food. Men suffering from tuberculosis begged for fat as a drug habitué would beg for a drug. Germany had prior to the war taken a firm stand against the disease of tuberculosis. Her change of attitude towards helpless prisoners of war cannot be justified by any logical reasoning. The nature and course of the disease were known by the German authorities and their failure to take proper measures was wilful homicide. Hundreds of Irish prisoners of war at Limburg were seen in overcrowded barracks in the early and middle stages of tuberculosis. Mr. McCarthy who visited the camp protested. After long delays and much effort an agreement was reached

between France and Germany and later between Germany and Great Britain whereby prisoners of war suffering from certain diseases might be interned in Switzerland for the remainder of the war at the expense of the parent country of the nationals. It was arranged so that Swiss physicians might visit various camps accompanied by a German physician who was also a member of the commission. All prisoners of war were notified in advance of the visit and of the right to apply for examination. Also lists of the sick captives at the hospitals and camps were to be referred to the commission by the military surgeon. This commission began its work in 1916 and refused to accept mental diseases and tuberculosis in its later stages. Captives suffering with advanced tuberculosis were more depressed upon hearing of this evidence of their doom. The difficulties which the commission encountered included the great task of examining such a vast number of captives, the fact that they were scattered in many camps, lack of cooperation by the commandants of the camps.

A commission of review was appointed to examine at the border those passing into Switzerland. Some of the captives were refused permission to be interned—one can imagine the disappointment caused thereby. One British officer who was serving a one year sentence for escape and suffering a compound fracture of the leg was sent to the commission of review but the army corps commander said he would have to serve his sentence regardless of the injury. After the captives were passed upon favorably by the commission of review, they were sent to the village of Chateau D'Oex, a Summer resort with a large number of hotels in one of the most beautiful valleys of Switzerland. There the captives were treated like Summer tourists. The families of captive officers lived with them in many instances. (McCarthy, *The Prisoner of War in Germany*, pp. 252-262.)

Would it not be practicable in like manner to intern able bodied captives in a neutral country, thus avoiding the objection raised by military commanders that the

captives might return and fight? Or is the task too great of turning over all captives to a neutral country? Immediate internment in a neutral country would deprive the belligerents of the labor of the captives but could not they be given employment in the country of their internment? It must be realized that with so many captives as there were in the World War if all were interned in a single country like Switzerland they would outnumber the inhabitants themselves. This could, however, be avoided by interning them in many neutral countries. Then, too, the principle of exchange pure and simple may always be applied.

11. **Cartel Ships.** When the transportation of prisoners of war takes place by water, the water crafts which convey the captives are called cartel ships. Such ships may be a part of either the merchant marine, or the war craft. They are exempt from capture as long as they serve effectively and exclusively in the exchange of prisoners of war. These should not transport merchandise, or passengers, or despatches, or arms and should not serve to collect military information or engage in hostilities. They are protected by the laws of war only during the time strictly required by their mission. They are not, therefore, under the protection from an attack during any other part of their voyage. The naval cartels are exempt from capture only on condition of being protected with a passport, navigating under the official flag accompanying the transports of the two belligerents and having the necessary forces to maintain order. (U. S. Manual, p. 102; Oppenheim, *Land Warfare*, par. 239.)

12. **May exchanged captives take up arms again?** Exchanged captives have the right to take part in all hostilities unless the contrary is agreed upon. The *American Instructions*, 1863, art. 105, provided that the exchange of prisoners of war might take place,—number for number,—rank for rank, wounded for wounded, with added condition for added condition, such for instance,

as not to serve for a certain period. Bluntschli stated that the prisoners of war should not, unless the contrary is agreed upon, take up arms during the progress of the war. (Bluntschli, *Droit intern. codifie*, art. 613.) The Spanish and Portuguese regulations, however, indicated that this prohibition should be stipulated formally. The Italian regulations permit prisoners of war who have been exchanged to take part in the operation of war in progress. According to Commandant Guelle that was done in the Crimean War, and in the war of 1870. It must be admitted that exchanges without conditions permit the liberated to take up arms again immediately. (du Payrat, p. 388, citing Commandant Guelle, *Precis des Lois de la Guerre*, t. I, p. 213.) The expenses of maintaining and transporting captives should be agreed upon.

### B. Ransom.

1. **General Principle.** The ransom of captives was begun when the captors found it to their pecuniary advantage to restore the liberty of prisoners of war for money paid by or for the captives.

2. **In Roman history, Norman invasion, middle ages.** After the Romans captured the City of Palerma in 253 B. C. the captives were released for two mines of silver. Hannibal offered vainly to the senate of Rome to return for ransom the prisoners of war which he had taken in the battle of Cannes. As long as armies were composed of feudal levies the custom of ransom was nearly undisturbed changing so that prisoners of great importance became the property of the sovereign. A tolerably definite scale gradually became the settled usage instead of a special agreement in each case. The agreement gradually became international. (Hall, W. E., *International Law*, p. 348; du Payrat, 389.)

3. **Payment of ransom by the captives.** In the course of time the ransom was no longer due from the state, it being considered an international matter in

which the States were regarded as mutual debtors. Gradually this mode of recovering captive subjects became alternative with or supplementary to exchange. The custom died out from lack of use to a great extent. However, the *American Instructions*, 1863, contemplate its use. (Hall, W. E., *International Law*, p. 348.)

**4. Ransoms from 1666 to 1924.** The idea that personal liberty should not be the object of a money reward caused the usage of ransom to disappear little by little. Louis XIV who was obliged to ransom the prisoners of war of the Dey of Algeria, considered that it was not dignified to pay the ransom of his subjects. He asked the sovereigns of the countries to accept sums of money as presents, as testimonials of his singular friendship. The treaty of Algeria which was concluded in 1666 by the duke of Beaufort contained a secret clause upon the price of men delivered; but in the public treaty these men were listed as having been liberated without ransom. (du Payrat, p. 391, citing P. Deslandres, *L'Ordre des Trinitaires et le Rachat des Captifs*, t. 1, p. 380, et s.) Among the ransoms of the XVII century may be cited that of the 26 of March 1673 between the duke of Luxembourg for Louis XIV, that of 1674 between France and Holland, of 1692, and 1701 between Louis XIV and the empire of Germany, of the 18th of June 1743 between France and England which required 15,000 pounds as a ransom for a lieutenant general and 50,000 pounds for a marshall of France. During the period of the French revolution, the national assembly abolished definitely the release of the captives by decreeing on the 16th of September 1792 that no money would be accepted for the exchange of prisoners of war, indicating that exchange of captives should be made on a principle of liberty and equality. This seems to be the true basis of exchange. (De Clercq, *Receuil des Traites de la France*, t. I, p. 219). The convention introduced an identical disposition in its decree of the 25th of May, 1793. Although the custom of the American Indians of taking presents for the re-

lease of their captives was not called ransom it had the same effect. The usage of ransom has almost become obsolete. The *American Instructions*, 1863 are the only modern regulations which mention ransom. (du Payrat, p. 393.) The prisoners of war who have not been exchanged for others mentioned in article 108, will be released by means of the payment of a sum of money agreed upon, or, in urgent cases by the remission of a quantity of provisions, or clothing, or other objects necessary to the army. The arrangements of this kind require the sanction of superior authority. Besides, article 74 admits only the ransom payable to the government.

#### C. Return pure and simple.

1. **For sentimental and political reasons.** Sometimes in the course of war a belligerent acting from a magnanimous sentiment or for a political purpose releases the captives without either exchange or ransom. Pyrrhus released the Romans who he had taken captives in 278 in this manner; Hannibal desiring to detach the inhabitants of Italy from the allegiance of Rome, during the Second Punic War, after the battle of Cannes, released without ransom all the captives who were not Romans; Napoleon Bonaparte, seeing the increasing discontent of Czar Paul 1st with his allies sought to obtain his friendship by sending without exchange 8,000 Russian prisoners of war taken in Switzerland and in Holland whom their allies refused to exchange for the French prisoners of war. The Boers set at liberty without condition 2,000 English prisoners of war. (du Payrat, p. 395). The return pure and simple of sick and wounded has been provided for by the convention of Geneva, 1906. Turkish women and children were repatriated without any reciprocity agreement for the British government desired to be relieved from the maintenance and care of those whom it had taken merely for humanitarian reasons. (*Turkish prisoners in Egypt*, p. 38, 1917).

2. **After the lapse of a specified time.** As a general principle belligerents may hold captives until the termination of the hostilities. However, the convention of Geneva indicated a tendency to modify this principle for exceptions were made in favor of the sanitary personnel, the sick and invalids. Such exceptions are justified for such persons are not an active combatant force. The Hague convention provided for repatriation as soon as possible after the conclusion of peace (art. 20). On account of the prolongation of wars and public opinion belligerent States have admitted the necessity for repatriation during the progress of hostilities after the lapse of a specified time of persons not in the two classes above mentioned. Repatriation should be authorized by an international convention made during peace that which has been admitted in the cartels or agreements made in time of war. It is much easier to prepare such agreements in time of peace when time for mediation and study is available than in time of war when the entire resources of the belligerents are taxed to the utmost and there is but little time for the perfection of any defective arrangement and the preparation of proper plans. The effect of long captivity especially upon young men and upon healthy adults is physical, mental, and moral breakdown. It has been suggested that three years should be the maximum term of captivity for prisoners of war. Also two years and one year have been advocated as the maximum period. Certainly it would be possible to arrange for the internment in a neutral country within a year after capture even if it be deemed impracticable to return them pure and simple.

D. **Escape.** Love of country acts upon a prisoner of war as a magnet upon iron and excites him to regain his liberty. Furthermore the love of liberty and freedom is a natural desire aside from the patriotic impulse. Escape is consistent with military honor. It is looked upon as a praiseworthy act. (*Le code du prisonnier du guerre, Xth conference international de la Croix Rouge*, 30

Mars, 1921, p. 1). His flight may be arrested with the necessary amount of force and he may be fired upon to prevent his escape for if he escapes he becomes an enemy and may be killed as any other enemy. If the attempt to escape is completed he is not subject to punishment therefor other than in a disciplinary way such as by a more rigid surveillance. Attempts to escape authorize the same punishment as escapes themselves. If the prisoner of war has succeeded in escaping and has taken up arms again, and is captured by the enemy, he is not subject to a penalty for the former flight. (Hague Rules, art. 8; U. S. Manual, p. 31). A stricter guard may be kept over him to prevent further efforts to escape.

It has been suggested that the duration of the punishment for a single attempt to escape by a prisoner of war may, if repeated, not exceed military confinement for 14 days, and, if in concert with other prisoners of war, 28 days, and that the duration of the punishment for such an escape, combined with other punishable actions consequent upon or incidental to such attempt in respect of property, whether in relation to the appropriation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months. If recaptured captives should not be subjected to any unnecessary harshness. (Phillimore, *Problems of Peace and War*, 1920, Vol. VI, p. 30). It has been stated above that it is considered a patriotic act to escape, and this is especially noteworthy when valuable information is obtained and communicated as a result of the escape. This is evident from the following citation for such an act during the World War:

“11 November, 1920,

“Sir:—In the name of Congress the President of the United States takes pleasure in presenting the MEDAL OF HONOR to Lieutenant Edouard V. M. Isaacs, U. S. N., for services above and beyond the call of duty during the World War as set forth in the following:

CITATION:

"When the U. S. S. PRESIDENT LINCOLN was attacked and sunk by the German Submarine U-90 on May 31st, 1918, Lieutenant Isaacs was captured and held as prisoner on board the U-90 until the return of the submarine to Germany, when he was confined in a prison camp. During his stay on the U-90 he obtained information of the movements of German submarines which was so important that he determined to escape to the United States and Allied Naval authorities. In attempting to carry out this plan, he jumped through the window of a rapidly moving train at the imminent risk of death, not only from the nature of the act itself but from the fire of the German soldiers who were guarding him. Having been recaptured and reconfined, he made a second and successful attempt to escape, breaking his way through barbed wire fences and deliberately drawing the fire of the armed guards in the hope of permitting others to escape during the confusion. He made his way through the mountains of southwestern Germany, having only raw vegetables for food and at the end swam the river Rhine during the night in the immediate vicinity of German sentries."

For the President,  
Secretary of the Navy."

1. **Accomplices.** Accomplices may be punished for assisting captives to escape. A guard may of course be punished for neglect of duty for allowing a prisoner of war under his custody to escape. Others may be punished less vigorously.

2. **Breach of parole.** If a prisoner of war gives his promise to remain in captivity within specified limits and violates his agreement he may be punished by closer confinement. If captured after taking up arms again he may be punished by the death penalty.

3. **Punishment for escape.**

a. **Agreement between Great Britain and Germany.** Near the end of the World War Great Britain and Ger-

many cancelled their agreement made at the Hague, 2nd of July 1917, and agreed substantially that the duration of the punishment for a simple attempt to escape, even if repeated, should not exceed military confinement for a period of fourteen days; and, if made in concert, a period of twenty-eight days. The duration of punishment for attempt to escape if combined with other punishable actions according to that agreement would not exceed two months and any insult or injury to such prisoners of war would merit severe punishment. Collective punishments or deprivation of privilege on account of the misconduct of individuals was forbidden. (*An agreement between the British and German governments concerning combatant prisoners of war and civilians*, October 1918, p. 13).

b. **By the United States.** During the World War a German naval officer who was a captive attempted to escape by aiding in the construction of a tunnel. He was tried by a general court-martial. The power to punish a prisoner of war was considered when this case was reviewed under three separate headings, (a) jurisdiction of courts-martial over prisoners of war, (b) the criminality or seriousness of the offense, and (c) the punishment. In the discussion of the merits of the case it was stated that prisoners of war are not to be regarded as criminals. They are guarded to prevent their participation in the war. Anything reasonable may be done that is necessary to that end. Penal confinement or fetters are not permitted unless required by particular cases. Attempts to escape should be looked upon as the natural desire for liberty and not a crime, and, if retaken before rejoining the army, individuals should be liable only to the disciplinary punishment involving curtailment of privileges or close confinement but not to death. Conspirators in a rebellion or in a general escape may be severely punished. They are subject to all the laws, regulations and orders, civil or military, in force in the army of capture and to trial and punishment for

infraction thereof in the same way as soldiers of the army of capture. It was held in this case that the punishment can extend only to disciplinary measures involving close confinement or loss of privileges. (*Opinions Judge Advocate General's Office*, July 19, 1918).

c. **By Germany.** A captive who escaped from captivity in Germany during the World War reported the facts pertaining to his experiences substantially as follows: he was put at work on a farm and after two days escaped and ran about five kilometers, which took him to the Danube. He was unable to cross and was recaptured, and placed in prison for thirty-one days and given only two hundred grammes of bread per day with water, and a plate of soup every fifth day. He was permitted to go out and wash and get drinking water. After the termination of his prison sentence he stayed ten days in camp at Heuberg from which place he was sent to Varenstadt. He remained there one day, and that night he cut the bars of the window and escaped with seven other captives. Although he managed to go as far as Belhege, he was again captured and was required to undergo another sentence of thirty-one days. However, he finally escaped and went to the Swiss border but found three lines of guards stationed there with patrols and dogs passing to and fro. He crawled into a wheat-field, studied the topography and at half-past ten, began to crawl towards the line of guards and succeeded in arriving in Switzerland. (Dennett, *Prisoners of the Great War*, pp. 98-101).

E. **Termination of captivity by death.** The hardships, maladies, and sufferings of prisoners of war bring about deaths. The mortal remains of such unfortunate persons merit some respect on the part of the captor, and are often accorded military honors. Information concerning such deaths should be given to the Bureau of Information so that the families may be notified. (*U. S. Manual*, p. 33, art. 90; *Hague Rules*, art. XIX).

1. **Wills.** The wills of prisoners of war may be proven under the same conditions as those of the soldiers of the national army. It will be well to have such wills sent through diplomatic channels. The Japanese decree of the 21st of February 1904 confided to the Bureau of Information the care of wills of prisoners of war (article 1.) During the World War a letter was written by a prisoner of war in Germany to his wife in England. He undertook by this letter to vary a formal will. Probate was refused for it was written after the English Soldiers' and Sailors' Will Act of 1918, and could not be given effect under that act. (Goodman v. Goodman, 1920, a. c. p. 261; 89 L. J. P. 193).

2. **Personal effects.** The personal effects which prisoners of war leave after death should be collected and taken care of until they can be sent to the beneficiaries. According to the regulations of the Hague (article 14) the Bureau of Information is charged with centralizing all the information pertaining to prisoners of war so that an individual return may be made.

**F. Liberation by becoming a subject of the captor State.** A prisoner of war may become the subject of the captor State but must from necessity deprive himself of the benefit of his prior allegiance. During the American Revolution efforts were made to induce the captives on the British prison ships to enlist in the British army. (Dandridge, D., *American Prisoners of the Revolution*, pp.98-101). Similar methods were used during the American Civil War, and during the World War. (McCarthy, *Prisoners of War in Germany*). However, but few in either instance availed themselves of this offer of liberty. For a captive to enlist in the armed forces of an enemy amounts to desertion or treason but, of course, the captor would protect him from punishment as long as within his power to do so. However, if captured thereafter by the armed forces of his own country he may be executed.

## CHAPTER XII

### Partial Liberation Before the End of War

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#### A. Liberation upon parole.

1. **General principle.** The guard of numerous prisoners of war is a heavy charge upon a belligerent. Each sentinel who watches the captives makes one less rifle in the armed contest of the combatants. Revolts of the captives may break out at many places at the same time and bring about a dangerous situation. Of course the finances are only a temporary burden for expenses of their maintenance are paid by the captives' own government at the end of the war. It is difficult, however, in time of war to obtain sufficient food. Hence the conquerors often set at liberty the captives but in such a manner that they become inoffensive for their promises are secured not to engage in the war any more. Military honor should prevent them from further participation in the military operations.

2. **History.** Liberation upon parole existed even in antiquity. It was sometimes extended to the prisoners of war to enable them to return to their fatherland and negotiate a treaty, a ransom, or an exchange of captives. Regulus was liberated upon parole for a short time. Hamilcar released the Numidian captives on condition that none of them would bear arms against Carthage. Puffendorf relates the case of a prisoner of war who was released on condition of not serving against his captors.

(Puffendorf, *Le Droit de la nature et des gens*, liv. VIII, chap. II; Grotius, *Rights of war and peace*, book III, chap. XXI, sec. XXX). Vattel explained that captives were returned upon their parole by imposing upon them the obligation not to take up arms until a specified time, or until the end of the war. A custom was established permitting officers who were captured to be liberated upon their parole.

William Pearce of Lancaster in his memoirs of 1810 described the paroling of prisoners of war in Lancaster, England. He gave them religious instruction and circulated literature among them in their own language, relieved their necessities with the result that many attended his services. One of them returned there to live after the peace of 1815 because he felt so much at home there. Some officers of cultivated minds and polished manners who were on parole in the neighborhood of Bristol were, according to William Roberts in his *Life of Hannah More*, frequent guests at the home of Hannah More, who acted as their interpreter and learned the French language from them. (Abell, *Prisoners of War in Britain*, 1765-1815, p. 411). The parole system was also in practice in Britain at the beginning of the Seven Years' War in 1757. Paroles were strictly enforced, there being an arrangement between France and England that officers who had broken their parole by escaping should, if discovered in their own country, either be sent back to their captors or be imprisoned. Different rules were provided for determining who should be eligible for parole. Parole notices were posted in all the parole towns and villages prescribing the limits of the parole. Rewards were offered for conviction of prisoners of war for a violation of any of the conditions of their parole. Ragamuffins of the parole places did their utmost to induce the prisoners of war to break the restrictions, and this led to a system of persecution. The rules concerning the correspondence of the paroled captives were very irksome. Experience proved that a strict surveillance of paroled prisoners of war is advisable. (Abell, *Prison-*

*ers of War in Britain, 1765-1815*, Chap. XXI, pp. 285-298.) The paroled prisoners of war mingled with the inhabitants and love and marriage ensued between the victors and the vanquished. On the anniversary of St. Andrew in 1810, the Kelso lodge of Freemasons was visited by several French officers who had been paroled. There is frequent mention of their appearance at Masonic meetings when the harmony was greatly increased by the polished manners and the vocal powers of the Frenchmen. (Vernon, *History of Freemasonry in the Province of Roxburgh, Peebles, and Selkirkshire*, cited by Abell, *Prisoners of War in Britain, 1765-1815*, p. 322; Index, Abell, P. of W. marriage among prisoners; see also index Abell's index under parole).

**3. Contract of parole.** The promise made by a prisoner of war placed at liberty upon parole not to participate in the hostilities constitutes a contract between him and his conqueror. The regulations of the Hague (art. 10) deal with this question and recognize the custom of placing captives at liberty upon parole without distinction of grade. In practice officers only are liberated on parole. The non-commissioned officers and other enlisted men may obtain it through their chiefs (*American Instructions, 1863*, art. 126, 127). The contract should be prepared and signed in duplicate as is provided by art. 125 of the American Instructions of 1863. The consent of the persons signing it must like other contracts be freely given (*American Instructions, 1863*), and the contracts should be prepared in the language of the captive so that he may understand it. The terms of the contract usually prescribe that the captive will not take up arms again against the captor for a specified time was customary during the eighteenth century, but now paroles are usually for the duration of the war. (*American Instructions, 1863*, art. 130; Bluntschli, *Droit intern. codifié*, sec. 624, Hall, p. 347).

**a. Breach of contract of parole.** Paroles of prisoners of war are sacred obligations and the national faith

is pledged for their fulfillment. (U. S. v. Wright, 28 Fed. Cas. No. 16,777; 5 Phila. (Pa.) 299). If recaptured the offender who has broken his parole has no longer the right to be treated as a prisoner of war and may be punished therefor under the provisions of the rules of the Hague, article 12. The death penalty may be inflicted. The pledge does not refer to internal service such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, or to civil or diplomatic services. (du Payrat, citing *Code of Military Justice of France*, article 204; *American Instructions* 1863 art. 124; Bluntschli, *Droit internationale codifie*, sec. 625, translated by M. C. Lardy). A trial of the offender should be guaranteed on account of the severity of the offense. An amnesty may be granted if the sentence has not been executed.

b. **Prohibited by the State.** Some regulations prohibit the giving of a parole. The Austrian Regulations, 1st part No. 41, the Portuguese regulations of 1890, article 1095, and the French regulations of October 1909, contain such prohibitions. If the captive gives his parole against the regulations of his government it has no effect as far as his government is concerned, but he is still bound as a matter of military honor to return into captivity unless the enemy refuses to receive him. (*American Instructions*, 1863, art. 131; Bluntschli, *Droit. Intern. Codifie*, art. 617-626). Hence the captive does not gain by parole as much as the captor government for he gives up chances of escape and renounces positively the right to defend his fatherland. Terrible moral tests await him such as accusations of being a slacker for failing to fight. Even if the enemy invades his own home he is bound by his parole. (du Payrat, p. 414).

4. **Advisability of discontinuing the custom.** It, then, appears that the custom of liberation might well be abandoned. There has already been shown a tendency in that direction for the convention of Geneva of 1906 refused to reproduce the clause of article 6 of the conven-

tion of 1864 relative to the placing of wounded at liberty conditionally because the measures were not satisfactory to most of the armies. (*International Bulletin of the Red Cross*, 1906, Revision of the Convention of Geneva). The following reasons may be given against requiring a parole: 1st, its observance may not be practical; 2nd, that the human element has lost much of its former importance to such an extent that the belligerent with the strongest material, rather than the greatest personnel, has the advantage; 3rd, in our day almost the entire nations at war are mobilized, and the man on the farm, in the forest, at the forge or factory is indirectly connected with the war.<sup>1</sup> If combatants be paroled they may perform any of the tasks, and must do such things or remain in idleness which is very objectionable. In fact, it has often been asserted since the World War, that the entire population should have been drafted for that war to perform anything they could wherever their services were most needed for the prosecution of the war and at wages commensurate with the risks and hardships pertaining to their respective tasks. Furthermore, the paroling of prisoners of war was not carried out uniformly during the World War for at the beginning of that War the French government applied the principle of paroling German officers who requested it, allowing them to circulate freely, without any surveillance near the place of internment. The German government did not extend this privilege to French officers who were captives, and accordingly the practice was discontinued in France. (Lemoine, *Les Convention internationales*, p. 40).

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<sup>1</sup>**Bulletin International, de la croix rouge, le code du prisonniers du guerre**, 15 fevrier, 1921, p. 117. For general information concerning the subject of parole, see Institute, 1880, p. 401; Hall, p. 346; Pillet, p. 159; **American Instructions**, 1863, art. 119-134; Westlake, vol. 2, p. 69; Edmonds and Oppenheim, art. 100. Abell, **Prisoners of War in Britain**, 1765-1815 under the index Parole; Baker and Crocker, p. 78-80.



## CHAPTER XIII

### Liberation at End of War

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A. **General principle.** Captivity being only a temporary deprivation of liberty for the purpose of preventing the captives from assisting the enemy in the battle and thus bringing an end to the war, when the war ceases the captives should be released. The placing at liberty of prisoners of war should be made one of the terms of the treaty of peace. The Hague convention provides for the repatriation after the conclusion of peace (art. 20) (du Payrat, p. 35, citing R. Phillimore, *Commentaries upon International Law*, Book III, p. 145.) Vattel says that the State owes to those who are exposed for it the care of obtaining their liberty in the treaty of peace (*Le Droit des gens*, liv. II, chap. VII, sec. 154). In practice, the belligerent States generally insert in the treaties of peace a clause concerning the repatriation of prisoners of war. (Report to Hague Conference, 1899, from the Second Commission. Reports to Hague Conference, p. 144; Institute, 1880, p. 39, 40; Baker and Crocker, p. 102).

Advantage should be taken of the knowledge of the captives of military training and organization and their return made under military control for the purpose of preventing disorders.

### B. Delays.

1. **Lack of transportation facilities.** It is not always practicable to return prisoners of war immediately after the cessation of hostilities. The number is so great that the transportation of them cannot be carried out at once. It would be impracticable to let them seek their own transportation unless there are but few.

### 2. Repatriation after World War.

a. **General plans.** After the World War, during May and June 1919, tentative plans for general repatriation of prisoners of war were submitted to the General Headquarters, American Expeditionary Forces. Conferences were held to decide upon a plan for the return of the prisoners of war to their own country. Two points of concentration for the enlisted men were designated, namely, Is-sur-Tille, and Central Prisoners of War Enclosure No. 1. Arrangements were made to maintain a daily return of 4,000 prisoners of war. An additional repatriation point was also provided. Repatriation to June 30, 1919 for the Americans was as follows:

						Total:
Officers	Men	Sanitary officers	Men	Officers	Men	
72	6075	61	1649	133	8024	

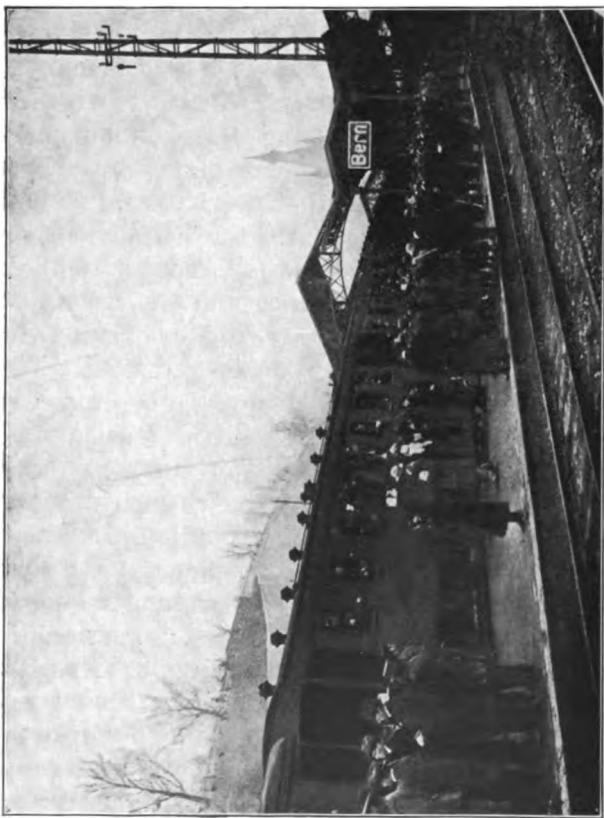
(*History of the Bureau of Prisoners of War*, Hq. S. O. S. A. E. F. p. 81).

On November 18, 1918, the American Provost Marshall General reported to Headquarters, Service of Supply, that there were then held by him 36 officers and 1183 enlisted men of the enemy sanitary personnel used only in caring for prisoners of war and that their repatriation would be delayed pending the decision of the Peace conference. The Judge Advocate General, A. E. F. ren-

dered an opinion, November 27, 1918, in which he stated that in his judgment the time was inopportune for undertaking repatriation. Hence it appears that occasions arise even for the retention of the sanitary personnel although such persons should be returned as soon as possible after a capture.

b. **Russian captives needed particular consideration.**

The armistice of November 11, 1918 with Germany (art. 10) provided for the repatriation of allied prisoners of war remaining in the hands of the Germans, but made no provision for the Russian prisoners of war. On November 25, 1918, in the name of the international committee of the Red Cross, the situation of the Russian prisoners of war in the central states was pointed out to the minister of foreign affairs of France and the necessity for their prompt return was indicated. More than two millions of prisoners of war were to be returned. The international committee proposed to organize immediately after the repatriation towards central Russia and towards Ukrain. It suggested for this purpose the creation of stations for rationing. The French minister of foreign affairs on January 3, 1919, announced that the French government had decided to place at the disposition of the international Red Cross committee a sum of 500,000 francs for this purpose. The international committee of the Red Cross sent out circular No. 177, of January 14, 1919, addressed to the government and to the Red Cross organization, pointing out the unfortunate condition of the Russian prisoners of war and announcing the sending of a mission to Berlin, Prague, Budapest, Warsaw, Kiev. A plan of evacuation was prepared. The execution of the plan met with many practical difficulties. The repatriation was conducted as rapidly as possible and the American Red Cross contributed nearly one million dollars for this purpose. At the end of March 1921, there remained in European Russia about 40,000 prisoners of war of different nationalities. In Germany there remained about 30,000 prisoners of war and 42,000



AMERICAN PRISONER TRAIN PASSING THROUGH BERNE  
EN ROUTE TO FRANCE

Courtesy of Carl P. Dennett from Prisoners of the Great War.

interned of the Red Army. (*Report general, Xth conference international de la Croix Rouge, Geneve, 30 March, 1921, pp. 111-117.*) The repatriation was conducted according to three fundamental principles.

(1) **Distributions of missions:** (a) (1) General activity of information missions in favor of Russian prisoners' mission in Liberia; (2) Missions of South of Russian; (3) Mission in the Balkan States; (4) Permanent mission in Germany; (5) Mission in Baltic States and at Vladivostock for the duration of repatriation.

(b) Establishment of a plan of repatriation and negotiations with the governments to carry out the plan.

(c) Carrying out plans of repatriation. (*Report general Xth conference international de la Croix Rouge, 30 March 1921, 111-117.*)

e. **Captives held by France pending treaty of peace worked in devastated areas.** The prisoners of war held by France after the armistice were sent after the armistice of 1918 to work in the devastated areas to assist in rehabilitating them. There were about 300,000 of them. In this work they rendered a most useful service.

d. **Americans captured by Germany.** After the World War the American Red Cross acted promptly to bring about the repatriation of American prisoners of war in Germany. Mr. Ralph Stewart of Brookline, Massachusetts was appointed for the management of the repatriation work of the American Red Cross. Under his direction the captives were promptly and comfortably returned to France. Mr. Ralph Bailey and Leon G. Levy assisted him, all three going into Germany and personally attending to the return of the captives by organizing train service and automobile service, and negotiating with the German officials and seeing that the needs of the captives were attended to properly. Canteens were established at Zurich, Berne, Lausanne, and Geneva to provide the captives with food and hot drinks, and each prisoner of war was given three days' rations for

his own use until he reached the concentration camp in France. One Red Cross representative went to Berlin and later another. An eminent Swiss doctor was sent into the camps in southern Germany to look after the American captives.

e. **Repatriation of the British in Germany.** England sent large steamers to the northern ports of Germany to take her captives to England after the armistice. Arrangements were made for the American captives in northern Germany to be taken to England by the English vessels. (Dennett, *Prisoners of the Great War*, pp. 227-229).

(3) **Repatriation of Spanish captives by United States, 1899.** The repatriation of the Spanish prisoners of war taken by the United States was made without much delay. The terms of Torral's surrender provided for the return of all the troops in Cuba to Spain, without delay. The embarkation began on August 9th, the work of transportation being entrusted to a Spanish shipping line, the Compania Transatlantica Espanola, which was employed for two reasons; it made the lowest tender for the service and the U. S. War Department desired to avoid any charges of ill-treatment during the repatriation. All the troops numbering 23,000 were embarked by September 17th. The arrangements were humane and businesslike.

4. **Duration of delay should be agreed upon.** To prevent misunderstandings and to protect the interests of prisoners of war the time for the return should be agreed upon. This has not always been provided in treaties. The treaty of Utrecht (1713) provided that the captives be set at liberty without distinction or ransom upon paying the debts contracted during their captivity and the treaty of Tilsit (1807) between France and Russia did not fix any definite period for the return of captives. The convention of Paris of 1814, the treaty of Paris of 1856, the treaty of Zurich of 1859, stipulated

that the prisoners be given up immediately by each side. (De Clercq, *Recueil des traites de la France*, t. I, p. 1-9, t. II, pp. 207, 212, 410, 412; t. VII, pp. 59, 63, 643.) The delay may be for a period of forty days from the signature of the treaty or the exchange of its ratification as in the treaties of Campo-Formio, 17 October 1797, Lunseville 9 February 1801, of Vienna, 1809; and of Amiens of 1802; (De Clercq, *Recueil des traites de la France*, t. I, pp. 335-339, 424-428, 293-297), or for three months as in the treaty of Paris of 1810 between France and Sweden. (De Clercq, *Recueil des traites de la France*, t. II, pp. 304-306.) The delay should be for as short a period as possible or as soon as possible after the taking effect of the treaty. (De Clercq, *Recueil des traites de la France*, t. II, pp. 410-412, also du Payrat, p. 356.) After the World War the efforts to agree upon the terms of a peace treaty were unsuccessful for a long time and the delay of repatriation was longer than usual for some of the captives. Many captives had already been in captivity for two or three years but they were, nevertheless, held by the captors. In France as has been previously indicated they were employed to rehabilitate the devastated areas.

##### 5. For individual offenses.

a. **Disciplinary.** The repatriation of prisoners of war may be delayed when they have to undergo punishment for a sentence pronounced against them during their captivity. These penalties may be justified for military derelictions of duty, or for offenses against the common law. Some support the theory that prisoners of war should not be held in captivity after the end of the war for attempts to escape, insubordination, missing the calls and other acts requiring disciplinary penalties. To adopt such a theory would interfere with the proper maintenance of discipline and order within the enclosures for the captives realizing that punishment might be evaded become unruly with impunity. Hence they should be kept in captivity until their periods of punishment

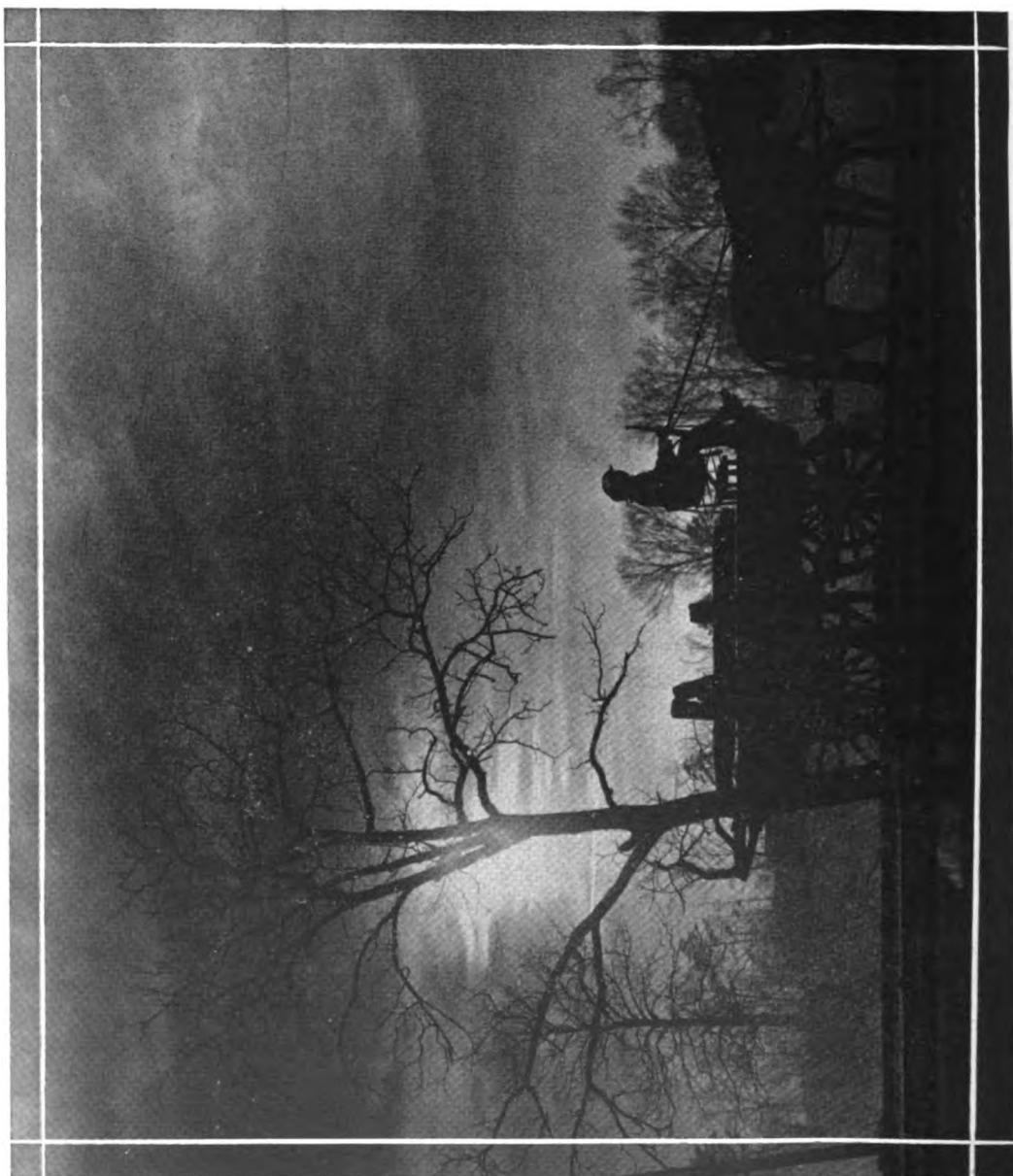
shall have been served. For this reason the conference of the Hague of 1889 did not add to article 20 of the regulations upon the laws of war the following proposal: "No prisoner may be held, nor his liberation charged by condemnations for deeds which take place after his capture, except for crimes or derelictions of the common law." This provision was rejected because of the objection made by Colonel von Schwarzhoff, who regarded it as tending to weaken discipline. A belligerent was permitted to retain a captive who is culpable of insubordination even after the conclusion of peace. This privilege, however, should be carefully guarded to prevent abuse of it. (du Payrat, pp. 365-366, citing Pillet, *Lois actuelles de la Guerre*, p. 465.)

b. **Offenses against the common law.** As for captives who are guilty of crimes or derelictions of the common law, and condemned by the application of the laws of police and safety of the captor's government to which all foreigners are subjected, they should, doubtless, undergo punishment for crime and immorality. The normal restraints are removed. Hence sentences duly adjudged should be served although the captive be obliged to remain in captivity after the end of a war. (West-lake, Vol. 2, pp. 71, 72; U. S. Manual, p. 35; Edmonds and Oppenheim, article 115, 116.)

c. **Failure to pay debts.** Non-payment of debts which a prisoner of war incurs has been assigned as a reason for delaying repatriation. Some treaties of peace contain stipulations concerning this. Article 23 of the treaty of Utrecht of 1713 provided that the prisoners of war be placed at liberty upon paying debts which they shall have contracted during their captivity. (De Clercq, *Recueil des traites de la France*, p. 1-9.) Article 2 of the treaty of Amiens, of the 27th of March, 1902, includes the same clause. (De Clercq, *Recueil des traites de la France*, t. I, p. 484. See du Payrat, 366-369.) The treaty of Aix-la Chapelle of 1748 provided that sureties be given by each party for the payment of the debts that the prison-

ers of war or hostages had contracted in the States where they had been detained until placed at liberty. (De Clercq, *Recueil des traites de la France*, t. I, pp. 65-68.) By the treaty of Paris of the 30th of May between France and England, the prisoners of war were obliged before their departure for the place of their detention to settle the individual debts that they had contracted. Bluntschli asserted that prisoners of war should be liberated at the conclusion of peace under the reservation of making the necessary arrangements for their debts. (Bluntschli, *Droit intern. Codifie*, art. 716.) Retention for such purposes of prisoners of war would be a useless hardship. It would be a continuation of the practices of the seventeenth century when debtors were placed in prison and kept there until someone interested in their behalf paid their debts. This principle of detention for debt does not stand the test of analysis for if a person is in debt and getting no more money than he needs to live on as is the case with a captive how can he be expected to pay? Will he not be able to pay sooner if he is allowed to seek employment elsewhere which is more remunerative? The principles of international private law permit the arraignment of debtors before the courts of their own country even if the creditor is a foreigner. Therefore, the failure to pay debts should not be considered sufficient cause to delay repatriation unless the treaties of peace so provide, and no such clause should be inserted in a treaty of peace. A State should not pay the private debts of its captives unless arrangements are made by the treaty of peace. The custom of keeping persons in prison for private debts is no longer practiced in civil life nor should it be applied in the case of captives.

IN MEMORY OF THE AMERICAN EXPEDITIONARY FORCES.  
In Memoriam of The Military Engineer, Washington, D. C.



## Conclusion

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We have considered matters pertaining to prisoners of war from the remote time when captives were killed when taken and had no rights which the captor was obliged to respect; and the amelioration of that severe doctrine when the conqueror found it to his pecuniary benefit to spare their lives and either keep them or sell them as slaves; how they were permitted to purchase their liberty by ransom; how the State offered the funds necessary for ransom rather than the individual; how relief societies have alleviated their miseries; how neutral inspectors have interceded in their behalf in the working camps and hospitals; how internment in a neutral country of the sick and wounded has become effective; how the Red Cross has striven in the name of humanity to improve all conditions of captivity, and to bring about the adoption of a code for their welfare. On the whole, therefore, it is concluded that great progress has been made but we must dedicate ourselves to the great task remaining before us,—that the lives of all those who have suffered and died to bring about these results shall not have been sacrificed in vain. Let us urge the improvement of the regulations of the various governments pertaining to prisoners of war; a study of such regulations by the military forces in time of peace and war, and the application of them at all hazards in time of war. Let us ever bear in mind the golden rule, "Do unto others as you would have others do unto you," and impress upon every soldier that a portion of the renown of his country depends upon him; that he should be not only without fear, but also without reproach, magnanimous in victory, loyal in defeat.



## APPENDIX I

### **Treatment of the Interned and Custody of “War Prisoners”**

#### **A. Treatment of the Interned.**

When war is declared the citizens or subjects of one belligerent may be sojourning in the territory of the other either as merchants or as travellers since they remain loyal to their own country and it is necessary to take steps to prevent them from doing anything that might be detrimental to the country where they are sojourning. If such persons do not withdraw to another country within the time limits prescribed for such purpose they should be interned if there be good reason to believe that they are dangerous to the general welfare of the belligerent. (Hague Conference 1907, V. Art. XVI.) The treatment of interned persons should be similar to the treatment of prisoners of war. Hence, that which has already been said concerning the captivity of war, the transportation of prisoners of war, organization of the enclosures, the discipline, labor, aid societies, bureaus of information herein apply to the interned. Article XII of the regulations of the Hague made it a duty of the neutral State to furnish to the interned persons food, clothing, and the relief required by humanity and provided that at the conclusion of peace the expenses caused by the internment shall be made good. To facilitate the task of the neutral state, the regulations of the Hague permit it to determine whether interned officers may be allowed their freedom on parole. (U. S. Manual, 140, art. 411, 416, 417, 418, 423.) Such agreements should be in writing and should be made only in good faith.

The duty of a neutral state which has permitted interned persons to enter its territory is to guard them,

and not to allow them to return to their own country unless they promise not to take up arms again before the end of the war. (U. S. Manual, 142-145, appendix A, Military convention between France and Switzerland, signed at Verrières, February 1, 1871; Hague Conference, 1907, V. art. 11, 12, 13, 14, 15.) In case of large bodies of troops seeking refuge in neutral territory, these conditions will be usually stipulated in a convention signed by the commanding generals. This was done when the French army entered Switzerland, a neutral country in 1871.

Before the outbreak of the World War it was realized by the military and naval authorities of the United States that it would be necessary to prepare plans for prisoners of war and interned civilians. The adjutant general's office of the army was given general charge of all matters pertaining to prisoners of war and was instructed to take the necessary steps to enable the divisions on the outbreak of war, to take up the work promptly in accordance with the plans. On February 5, 1917, which was two months before war was declared against Germany there were submitted by the adjutant general's office to the chief of staff proposed "Regulations for the custody of prisoners of war, including non-military persons interned during time of war." These regulations provided that in time of war all war prisoners, whether military, naval, or civilian should be placed ultimately in charge of the war department, and that the adjutant general should have general charge of all matters pertaining to prisoners of war. In the preparation of these regulations the provisions of the regulations of the Hague convention of 1907 concerning prisoners of war were observed.

Troops were sent to Fort Oglethorpe, Georgia, March 17th, 1917, to be used to guard the interned crews of the *Kronprinz William* and *Printz Eitel Frederick*. Temporary stockades were prepared. This procedure was in accordance with paragraph 2, special regulations no. 62. Steps were soon taken after the proclamation of

the President, April 6, 1917, to provide adequate war prison barracks for interned persons.<sup>1</sup> Retired army officers were selected as commandants of these barracks, and under their supervision necessary arrangements were made for proper prison barracks with accommodations for 1,800 persons. The provisions of all treaties and conventions to which the United States was a signatory pertaining to prisoners of war were considered in force. Sanitary conditions were good. Sufficient wholesome food was provided. There was ample space for athletics.

*Distinction between prisoners of war and interned enemies.* An attempt has been made to point out a distinction between prisoners of war and interned enemies in an opinion of the Judge Advocate General's office (383.6 May 18, 1919) in substantially the following manner. Persons who were members of the German and Austrian forces, and were interned by the United States because they had entered before the declaration of war by the United States differ in many respects from prisoners of war in the strict sense; for, although they were enemies after the United States began the war, they themselves were never at war with this nation, and never subjected themselves to the liability of capture by it. They were interned because the United States as a neutral nation was under obligation to do this.

Alien enemies within the boundaries of the United States when the United States entered the war and who acted so as to be deemed dangerous to the government and its enterprises in the conduct of the war were interned under authority of the Act of July 6, 1798 (R. S., sec. 4067), and the President's proclamations issued pursuant thereto. These persons do not belong to either of the foregoing classes for they never fought against the United States and had never been a part of a force fighting against anyone and had never assumed the hazard of

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<sup>1</sup>See General orders No. 59, War Department, (U. S.) May 3, 1917.

becoming prisoners of war in the strict sense but were interned because of a duty owed to some other country. Commissioned officers of enemy armies and navies when within this class of interned enemies are not prisoners of war in the strict sense outlined above, and therefore are not entitled to the rights and privileges of officer prisoners of war but have no greater rights than interned civilians. (*Opinions Judge Advocate General*, 383.6 May 18, 1919.) In a letter to the author dated 2 King's Bench Walk, Temple, E. C. 4, Apr. 25, 1924, London, England, Hon. H. L. Bellot, D. C. L., secretary Grotius Society, wrote as follows: “\* \* \* My Committee is now framing Regulations for the Treatment of Interned Civilian Prisoners.” Dr. John W. Garrett, a commissioner who signed the treaty of Berne informed the author that one of the persons who helped with the Civilian captives in the World War is also making a study of this subject.

## B. Custody of War Prisoners.

### **REGULATIONS FOR THE CUSTODY OF WAR PRISONERS, INCLUDING NONMILITARY PERSONS INTERNED DURING A TIME OF WAR.**

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#### **Section I.—Custody and General Charge.**

	Paragraph.
Custody of War Department and general charge of The Adjutant General .....	1

1. **Custody of War Department—General charge of The Adjutant General.**—In time of war all war prisoners, whether military, naval, or civilian, will ultimately be placed in the custody of the War Department. The Adjutant General of the Army will have general charge of all matters connected with such war prisoners.

#### **Section II.—War Prison Barracks and Camps.**

	Paragraph.
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2. **Selection and designation.**—On the outbreak of war The Adjutant General will recommend certain posts, reservations, or other places to be used for the internment of war prisoners, and will recommend additional places from time to time as they may be required. Each such place will be designated "The War Prison Barracks (or Camp) . . . . ."

Name of place.

3. **Commissioned personnel.**—The officers of each war prison barracks (or camp) shall consist of a commandant, an executive officer, an adjutant, a quartermaster, a mess officer, a chaplain, a surgeon, an exchange officer, an information officer, three officers for each authorized guard company, and such other officers as may be duly assigned to duty thereat.

4. **Guard companies.**—The organization of a guard company for duty at a war prison barracks (or camp) shall be identical with that of the normal guard company authorized for the United States Disciplinary Barracks; and there shall be organized and assigned to duty at each war prison barracks (or camp) not less than one guard company for each 1,800 war prisoners or major fraction thereof.

5. **Retired officers and enlisted men preferred for personnel.**—In assigning the commissioned and enlisted personnel to the war prison barracks (or camp) preference shall be given, as far as practicable, to retired officers and enlisted men of the Regular Army who may be eligible for active service.

6. **Quarters.**—Should the available quarters at any war prison barracks (or camp) be insufficient for the proper shelter and care of the war prisoners interned thereat, the commandant will cause to be constructed by labor of the war prisoners such temporary buildings as may be required following the plans and specifications which have been prepared by the Quartermaster General, and approved, for temporary buildings for mobilization camps. When such additional shelter is required for war prisoners in large numbers, the temporary buildings shall be added in successive groups, each group to follow the plans, specifications, and arrangement prescribed for the mobilization camp of a regiment of Infantry. Each such group of temporary buildings shall constitute a unit compound. Each such compound shall be surrounded by a close barbed-wire fence, 10 feet in height. When a number of such compounds are required they will be conveniently grouped about the buildings used for administrative purposes. The entire space occupied by the buildings of the war prison barracks (or camp) shall be surrounded by two close barbed-wire fences, 10 feet high and 20 feet apart, with suitable gates.

### Section III.—Prisoners Captured by Naval Forces.

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7. **Temporary detention in naval prison camps.**—War prisoners captured by the naval forces will first be taken into a naval

prison camp on or near the seaboard and thence transferred to such place of internment as may be designated by the War Department.

War prisoners will, in general, be detained in a naval prison camp for only so long a time as may be necessary to effect the details of transfer to the custody of the Army.

8. **Exceptions in case of sick and wounded.**—An exception to the rule stated in the second sentence of paragraph 7 is found in the case of prisoners suffering from wounds, sickness, or disease, whose detention at the naval prison camp is necessary for health or sanitary reasons.

9. **Requests for transfer to custody of War Department.**—Whenever the Navy Department desires to transfer war prisoners to the custody of the War Department the Judge Advocate General of the Navy will request The Adjutant General of the Army to designate the place of internment to which such prisoners should be sent. Request will be made on blank forms to be furnished by The Adjutant General of the Army, and will supply such data concerning the prisoners as may be necessary to enable the War Department to determine the place of internment most suitable under the attendant circumstances.

10. **Designation of place of internment after transfer.**—Upon receipt of such request The Adjutant General of the Army will designate to the Judge Advocate General of the Navy the place or places to which the prisoners referred to in the request should be sent.

11. **Guard en route.**—War prisoners transferred from the jurisdiction of the Navy to that of the Army will be sent under naval guard from the naval prison camp or station where they have been confined to the Army station designated and there delivered into the custody of the Army commander.

12. **Receipts for prisoners transferred.**—Army commanders will give receipts for such prisoners of war on blank forms prepared by the Navy Department.

The receipts will be signed in triplicate, one copy to be sent to the Navy Department, one copy to the naval prison camp transferring the prisoners, and one copy to the Army commander receiving them.

Transfer of responsibility for the charge and safe-keeping of these prisoners of war will take effect upon the delivery of receipts.

13. **Form of receipts.**—The receipts required by paragraph 12 will contain the name, rank (or rate), nationality, and sex (if necessary) of each war prisoner transferred, thus serving as a roll for muster and ready reference.

14. **Report of departure from naval station or camp.**—Promptly upon the departure of a detail of war prisoners from a naval station or prison camp the commanding officer of such naval station or prison camp will notify by wire or radio the commanding officer of the Army station of destination, the hour of departure, and the probable hour of the arrival of the prisoners at their destination.

15. **Descriptive cards of prisoners transferred.**—Individual descriptive cards of war prisoners to be transferred will be made at the naval station or prison camp in triplicate on blank forms to be furnished by The Adjutant General of the Army. One copy will be retained by the Navy, one copy will be delivered with the prisoners to the commanding officer of the Army station to which they are transferred, and one copy will be forwarded direct to The Adjutant General of the Army.

16. **Use of naval prison garb after transfer.**—War prisoners transferred by the Navy to the Army who, while in naval custody,

have been outfitted with prison garb of naval pattern will be permitted to retain and wear this outfit as long as it may continue usable, at the discretion of the Army commander.

#### Section IV.—General Provisions.

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Compliance with orders and regulations . . . . .	18
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17. **Classification of prisoners.**—War prisoners will be divided into classes. Commissioned officers will be placed in a category separate from the enlisted men, and, whenever practicable, a separate place of internment will be designated for them and their authorized servants. Enlisted men and others will be arranged in such classes as circumstances may render necessary.

18. **Compliance with orders and regulations.**—All war prisoners are subject to military law and will comply with such orders and regulations as may be prescribed for the safety, health, good order, and discipline of the place of internment.

19. **Records.**—A record will be kept at all places where war prisoners are interned containing the full name, rank or occupation, nationality, age, place of birth, home address, date and place of capture, and the number assigned to each war prisoner, together with the medical record and all other information necessary to enable the officer commanding to make the required returns and to furnish any information which may be called for from time to time.

20. **Responsibility of commandants of places of internment.**—The commandant of each place of internment will be responsible for the safety, sanitation (including the cleanliness of the war

prisoners), good order, and discipline of such place. He will prescribe such roll calls, inspections, and musters as may be considered necessary.

**21. Organization and discipline of prisoners.—**

(a) **Units.**—War prisoners at each place of internment will be organized into units, with a member from each unit appointed to act as commander of that unit. The prisoner so appointed will be responsible for the discipline and good order in his unit, and will be the normal channel of communication between the members of his unit and the commandant.

(b) **In rooms and tents.**—Likewise in each room or tent a non-commissioned officer or man will be appointed to take charge of the occupants and property therein, being responsible to the commander of the unit. (S. R. No. 62, C. No. 1.)

**22. Limits of confinement.**—Limits will be established at each place of internment, beyond which prisoners interned therein will not be permitted to pass without the written approval of the commanding officer.

**23. Prohibition against confinement in penitentiaries, etc.**—War prisoners will not be confined in prisons, penitentiaries, or other places for the imprisonment of convicts, except when such course is considered as an indispensable measure of safety, and only while the circumstances which necessitate the measure continue to exist.

**24. Personal belongings.**—All the personal belongings of war prisoners, except arms, ammunition, horses, and military papers, will remain their property; but they may be deprived of the possession of them during internment if sufficient reasons exist for such action.

**25. Employment.—**

(a) **On public work.**—War prisoners, other than officers, may be employed on public work according to rank and capacity. When so employed they will receive compensation at reasonable rates. Such work shall have no direct connection with the operations of the war.

(b) **In public or private service.**—War prisoners may be authorized to work for the public service, for municipal and private corporations, for private persons, and on their own account. The compensation and conditions of the employment are subject to the approval of the commandant of the place of internment.

**26. Wages and money received from other sources.**—The wages of a war prisoner, likewise the money sent to and received by him from other sources, will be taken possession of by the commandant of the place of internment, who will keep an accurate account of the same. Such moneys shall be utilized for the improvement of the prisoner's position. He will be permitted to have in his personal possession only such amounts as the commandant of the place of internment may deem expedient. Such balance of his wages as may not be used in improvement of his position will, upon discharge, be turned over to him in exchange for proper receipts or retained by the commanding officer to defray the expenses of his maintenance, as may be directed by proper authority.

**27. Rations, quarters, and clothing.**—War prisoners will (as far as practicable and in the absence of special instructions to the contrary) be maintained on the same footing as regards rations, quarters, and clothing as the forces of this Government.

**28. Pay of officers.**—Officers taken prisoner will receive the same pay as officers of corresponding rank in our own Army, where provision has been made for such pay and authority for the payment has been obtained.

29. **Status and treatment.**—War prisoners, being subject to the laws and regulations governing the Army of the United States, will be treated as soldiers under special restrictions. Officers who are war prisoners are not the superiors of the soldiers of our Army, but become the subordinates of those who are guarding them.

30. **Attempts to escape.**—In case a war prisoner attempts to escape the necessary force to prevent his escape may and should be employed, even if in doing so the prisoner be wounded or slain. Organized attempts to escape will be put down by force of arms if necessary.

31. **Withdrawal or curtailment of privileges.**—A war prisoner who refuses or fails to give his true name, rank, and other particulars required of him may have the privilege of prisoners of his class withdrawn or curtailed.

32. **Parole.**—A war prisoner, if the laws of his own country authorize it, may be set at liberty on parole; but he should not be forced to accept such liberty, nor is the commandant of the place of internment bound to grant such parole when requested.

33. **Gifts and relief in kind.**—

(a) **Transportation and distribution.**—Facilities will be afforded the duly accredited agents of properly constituted and recognized relief societies for distributing to war prisoners gifts and relief in kind, which will be carried over Government railways free of charge. This distribution will be carried out under the supervision of the commandant of the place of internment.

(b) **Exemption from customs duty.**—Any gifts and relief in kind, consisting of dutiable articles consigned from abroad, for the personal use of war prisoners, will be admitted free of customs duty, subject to such regulations as are, or may be, prescribed by the Treasury Department.

34. **Mail matter.**—

(a) **Free from postal duties.**—War prisoners are entitled to receive and send letters, money orders, and valuables, as well as parcels by post, when intended for international mail, free from all postal duties.

(b) **Examination of.**—Letters and parcels received for or dispatched by war prisoners will be carefully examined by a commissioned officer of the United States Army whenever, in the opinion of the commandant of the place of internment, the circumstances are such as to require the examination. Letters and parcels containing nothing detrimental to the interests of the United States will be duly dispatched or delivered as the case may be. (S. R. No. 62, C. No. 1.)

35. **Recreation and exercise.**—War prisoners will be permitted a reasonable amount of recreation, and will be required to take such exercise as may be necessary for sanitary purposes. When practicable, arrangements will be made for them to practice their respective handicrafts, and they will be encouraged to do so.

36. **Exercise of religion.**—War prisoners will be permitted every facility for the exercise of their religion, under such necessary regulations as may be prescribed by the commandant of the place of internment.

37. **Passes and permits.**—Passes or permits to leave the place of internment will extend beyond dusk in very exceptional cases only.

38. **Wills.**—A will drawn up by a war prisoner will be received by the commandant of the place of internment and will be treated in the same manner as a will drawn up by a soldier of the Army of the United States.

**39. Death certificates and burials.**—On the death of a war prisoner the same rules are to be observed regarding death certificates and burial as are in force in the Army of the United States, due regard being paid to the grade and rank of the deceased war prisoner.

**40. Commandants to prescribe further rules.**—Commandants of places of internment will prescribe such other and further rules for the good order and discipline of the prisoners interned and under their control as may be necessary. These rules must not, however, be inconsistent with the foregoing or with those laid down in the Rules of Land Warfare, published for the information and guidance of the Armies of the United States. (Special regulations No. 62. War Department, Washington, March 29, 1917.)

### Special Regulations.

Special Regulations as to custody of war prisoners should not be limited to commissioned personnel. For instance, Special Regulations No. 62, Custody of War Prisoners, 1917, Sec. 2, Par. 3, should be amended to include civilian personnel—after "company" in line 5 the following should be added: "and a chief clerk." Add new paragraph to Sec. 2, between par. 3 and 4, covering appointment of civilian chief clerk from T. A. G. O. This would result in more intelligent and systematic cooperation between T. A. G. O. and field operations and would avoid duplication of work.

Commandant of barracks, in custody of war prisoners, should not be given blanket authority to prescribe rules. The care, treatment and custody of war prisoners involve diplomatic dealings and observance of requirements of international laws, and rules relative thereto should be considered by the highest authority. Sec. 4, Par. 40, Special Regulations referred to above, should be amended in line 2 by adding after the word "prescribed" the following: "subject to the approval of the Secretary of War."

Upon declaration of peace field records pertaining to prisoners of war as well as all military and civilian records accumulated in the field, should not be sent to T. A. G. O. until after inspection by delegated personnel of T. A. G. O. This plan would result in eliminating duplicates, and unimportant and unnecessary records. It would allow of the records being properly indexed and labeled before shipment. This plan was followed before draft records were shipped to T. A. G. O. with satisfactory results. Regulations governing packing and shipping of draft records published Feb. 20, 1919, are of interest in this connection.

Special Regulations No. 62, Custody of War Prisoners 1917, Section 2, Paragraph 3, "Commissioned Personnel," should be amended so that the title of the paragraph should be "Commissioned and Civilian Personnel," and after the word "company" in line 5 the following words should be added: "and a chief clerk." Add a new paragraph to Section 2 between Paragraphs 3 and 4 as follows: "The civilian chief clerk shall be appointed or detailed from the civilian personnel of the Adjutant General's Office and he shall be familiar with the records, organization, policies and methods of functioning of the Adjutant General's Office and the system of filing used therein."

This would result in more intelligent and systematic cooperation between the Adjutant General and these field activities and would avoid much duplication and additional work.

Section 4, Paragraph 40, "Commandant to prescribe further rules," should be amended as follows: In line 2 after the word "prescribed" add a comma and the words "subject to the approval of the Secretary of War" followed by a comma.

The care, treatment and custody of prisoners of war involve the most diplomatic matters in connection with the observance of the requirements of the international Law, and the making of rules for the treatment, custody and discipline etc., should be placed with the highest authority. This would insure uniformity of practice and procedure at all war prison barracks and avoid possible diplomatic controversies.

After declaration of peace, retained records, correspondence, etc., of War Prisoner Barracks, discontinued camps, military posts, etc., should not be shipped to The Adjutant General's Office until personal inspection has been made by personnel of The Adjutant General's Office qualified by long service, experience and detailed knowledge of the use and purpose of military records and the organization, files and modus operandi of functioning of the office. The retained records to be surveyed with a view to eliminating and disposing of such as are found to be duplicates, unimportant and not necessary to the proper completeness of the record. The records before shipment to be properly indexed and boxed, the boxes to be plainly labeled to show contents.

This plan was substantially followed before the selective service (draft) records were turned over to The Adjutant General's Office, resulting in more expeditious, intelligent and satisfactory setting up and handling of the records. In this connection, attention is invited to regulations governing the packing and shipment of records of the selective service system, prescribed by the President and issued and published by the Secretary of War February 20, 1919. It is understood that some effort was made along these lines in connection with the shipment of military records, but to be entirely successful the plan should be general and the personnel to carry it out should be composed of persons of long service and experience in the office.

Opinion of Mr. L. A. Rosafy, Chief Clerk, Selective Service Division, (during World War, Clerk in Charge of the Prisoner of War Section and assistant to the Chief of the Correspondence and Examining Division, The Adjutant General's Office).



## APPENDIX II

### American Instructions, 1863, by Lieber

#### Being the First Code Pertaining to Prisoners of War.

To the student of international law the code prepared by Lieber needs but little comment. However it will be briefly stated that he was born and educated in Germany, and had the closest association with German science being a friend of Bluntschli who at Lieber's suggestion drew up after his model first, the laws of war, and, then, the law of nations in the form of a code or law book which should express the state of the legal consciousness of civilized peoples.

President Lincoln requested Lieber to prepare certain rules whereupon he drew up *Instructions for the Government of Armies of the United States in the Field* in 1863 which was the first codification of international articles of war. This was an important event in the history of international law and of civilization. His legal injunctions rest upon moral precepts. The spirit of humanity pervades his code which recognizes our very enemies as fellow-beings, with lawful rights and forbids the punishment of them by unnecessary injury, cruelty, or destruction. However, he does not forget that in time of war, it is necessary to provide for the safety of armies and form the successful conduct of a campaign, and that the harshest measures and most reckless exactions cannot be denied. (Bluntschli, introduction to *Lieber's miscellaneous works*, pp. 7-14.)

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#### DESERTERS, PRISONERS OF WAR, HOSTAGES, BOOTY ON THE BATTLEFIELD.

48. Deserters from the American army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture, or being delivered up to the American Army; and if a deserter from the enemy, having

taken service in the army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers of whatever species of arms; all men who belong to the rising en masse of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe-conduct granted by the captor's government, prisoners of war.

51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise under a duly authorized levy, en masse to resist the invader, they are now treated as public enemies, and if captured, are prisoners of war.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy en masse as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by the army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the American army, are not prisoners of war unless the commander has reasons to retain them. In this latter case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

54. A hostage is a person accepted as a pledge for the fulfilment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57. So soon as a man is armed by a sovereign government, and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding or other warlike acts, are no individual crimes or offences. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed before the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war were liable to the infliction of retaliatory measures.

60. It is against the usage of modern warfare to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

61. Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62. All troops of the enemy known or discovered to give no quarter in general, or to any portion of the army, receive none.

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64. If American troops capture a train containing uniforms of the enemy, and the commander considers it advisable to distribute them for use among his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

65. The use of the enemy's national standard, flag, or other emblem of nationality, for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

66. Quarters having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days after battle, it be discovered that he belongs to a corps which gives no quarter.

67. The law of nations allows every sovereign government to make war upon another sovereign state, and, therefore, admits of no rules or laws different from those of regular warfare, regarding the treatment of prisoners of war, although they may belong to the army of a government which the captor may consider as a wanton and unjust assailant.

68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life are not lawful.

69. Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general has been issued to that effect.

70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the army of the United States, or is an enemy captured after having committed his misdeed.

72. Money and other valuables on the person of a prisoner such as watches or jewelry, as well as extra clothing, are regarded by the American army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if large sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they had been placed in the private luggage of the prisoners.

73. All officers, when captured, must surrender their side arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery, or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored cannot wear them during captivity.

74. A prisoner of war being a public enemy, is the prisoner of the government, and not of the captor. No ransom can be paid by a prisoner of war to his individual captor, or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76. Prisoners of war shall be fed with plain and wholesome food whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

77. A prisoner of war who escapes may be shot, or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of order does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle, after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the mod-

ern law of war permits no longer the use of any violence against prisoners, in order to extort the desired information, or to punish them for having given false information.

#### Section IV.

##### **PARTISANS—ARMED ENEMIES NOT BELONGING TO THE HOSTILE ARMY—SCOUTS—ARMED PROWLERS—WAR REBELS.**

81. Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured, they are entitled to all the privileges of the prisoners of war.

82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads of destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so, with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men, or squads of men, are not public enemies, and, therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83. Scouts or single soldiers, if disguised in the dress of the country, or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army, for the purpose of robbing, killing, or of destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoners of war.

85. War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they, if discovered and secured before their conspiracy has matured to an actual rising, or to armed violence.

#### Section V.

##### **SAFE CONDUCT—SPIES—WAR TRAITORS—CAPTURED MESSENGERS—ABUSE OF THE FLAG OF TRUCE.**

86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe conduct, or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the government, or by the highest military authority.

Contravention of this rule are highly punishable.

87. Ambassadors, and all other diplomatic agents of neutral powers, accredited to the enemy, may receive safe-conduct through

the territories occupied by the belligerents, unless there are reasons to the contrary, and unless they may reach the place of their destination conveniently by another route. It implies no internal affront if the safe-conduct is declined. Such passes are usually given by the supreme authority of the state, and not by subordinate officers.

88. A spy is a person who secretly, in disguise or under false pretense, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeeded in obtaining the information or in conveying it to the enemy.

89. If a citizen of the United States obtains information in a legitimate manner, and betrays it to the enemy, be he a military or civil officer, or a private citizen, he shall suffer death.

90. A traitor under the law of war, or a war-traitor, is a person in a place or district under martial law, who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.

91. The war traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war-traitor, and death is the penalty of his offense.

93. All armies in the field stand in need of guides, and impress them if they cannot obtain them otherwise.

94. No person having been forced by the enemy to serve as guide is punishable for having done so.

95. If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war-traitor, and shall suffer death.

96. A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory, or foreign visitors in the same, can claim no immunity from the law. They may communicate with foreign parts, or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

99. A messenger carrying written despatches or verbal messages from one portion of the army, or from a besieged place, to another portion of the same army, or its government, if armed, and in the uniform of his army, and if captured while doing so, in the territory occupied by the enemy, is treated by the captor as a prisoner of war. If not in uniform, nor a soldier, the circumstances connected with his capture must determine the disposition that shall be made of him.

100. A messenger or agent who attempts to steal through the territory occupied by the enemy, to further, in any manner, the interests of the enemy, if captured, is not entitled to the privileges of the prisoners of war, and may be dealt with according to the circumstances of the case.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is difficult to guard against them.

102. The law of war, like the criminal law regarding other offences, makes no difference on account of the difference of sexes, concerning the spy, the war-traitor, or the war-rebel.

103. Spies, war-traitors, and war-rebels are not exchanged according to the common law of war. The exchange of such persons would require a special cartel, authorized by the government, or, at a great distance from it, by the chief commander of the army in the field.

104. A successful spy or war-traitor, safely returned to his own army, and afterwards captured as an enemy, is not subject to punishment for his acts as a spy or war-traitor, but he may be held in closer custody as a person individually dangerous.

#### Section VI.

#### EXCHANGE OF PRISONERS—FLAGS OF TRUCE—FLAGS OF PROTECTION.

105. Exchanges of prisoners take place—number for number—rank for rank—wounded for wounded—with added condition for added condition—such, for instance, as not to serve for a certain period.

106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the government, or of the commander of the army in the field.

107. A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belong to him, in order to cause a more advantageous exchange; nor a higher rank, for the purpose of obtaining better treatment.

Offences to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing or other necessaries.

Such arrangement, however, requires the sanction of the highest authority.

109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it cannot be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable so soon as either party has violated it.

110. No exchange of prisoners shall be made except after complete capture, and after an accurate account of them, and a list of the captured officers, has been taken.

111. The bearer of a flag of truce cannot insist upon being admitted. He must always be admitted with great caution. Unnecessary frequency is carefully to be avoided.

112. If the bearer of a flag of truce offers himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such a flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113. If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

114. If it be discovered, and fairly proved, that a flag of truce has been abused for surreptitiously obtaining military knowledge, the bearer of the flag thus abusing his sacred character is deemed a spy.

So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offence, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

115. It is customary to designate by certain flags (usually yellow) the hospitals in places which are shelled, so that the besieging enemy may avoid firing on them. The same has been done in battles, when hospitals are situated within the field of the engagement.

116. Honorable belligerents often request that the hospitals within the territory of the enemy may be designated, so that they may be spared.

An honorable belligerent allows himself to be guided by flags or signals of protection as much as the contingencies and the necessities of the fight will permit.

117. It is justly considered an act of bad faith, of infamy or fiendishness, to deceive the enemy by flags of protection. Such acts of bad faith may be good cause for refusing to respect such flags.

118. The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible.

## Section VII.

### THE PAROLE.

119. Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

120. The term parole designates the pledge of individual good faith and honor to do, or to omit doing, certain acts, after he who gave parole shall have been dismissed, wholly or partially, from the power of the captor.

121. The pledge of the parole is always an individual but not a private act.

122. The parole applies chiefly to prisoners of war whom the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on condition stated in the parole.

123. Release of prisoners of war by exchange is the general rule; release by parole is the exception.

124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

125. When paroles are given and received, there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

126. Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

127. No non-commissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individuals giving them the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

128. No paroling on the battle-field, no paroling of entire bodies of troops after a battle, and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

129. In capitulations for the surrender of strong places or fortified camps, the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war, unless exchanged.

130. The usual pledge given in the parole is not to serve during the existing war, unless exchanged.

This pledge refers only to the active service in the field, against the parrolling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the parrolling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

131. If the government does not approve of the parole, the paroled officer must return into captivity; and should the enemy refuse to receive him, he is free of his parole.

132. A belligerent government may declare, by a general order, whether it will allow paroling, and on what conditions it will allow it. Such order is communicated to the enemy.

133. No prisoner of war can be forced by the hostile government to parole himself, and no government is obliged to parole prisoners of war, or to parole all captured officers if it paroles any. As the pledging of the parole is an individual act, so is paroling, on the other hand, an act of choice on the part of the belligerent.

134. The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army; and upon their failure to give it, he may arrest, confine, or detain them.



## APPENDIX III

# Regulations, Hague Convention IV, 1907, Pertaining to Prisoners of War, Articles 1 and 20 Inclusive

### Chapter I.—The Belligerent Character.

Art. I. The laws, rights, and obligations of war apply, not only to the army, but also to militia forces and to bodies of volunteers, which combine the following conditions:

- (1) Having at their head a person responsible for his subordinates;
- (2) Having a fixed, distinctive badge, recognizable at a distance;
- (3) Carrying arms openly; and
- (4) Conforming in their operations to the laws and usages of war.

In countries in which the militia or volunteers compose the army, or form a part of it, they are included under the designation of "army."

Art. II. The population of a non-occupied territory who, at the approach of the enemy, take up arms spontaneously, in order to resist the troops of invasion, without having had time to organize in conformity to Article I., shall be considered as belligerents if they observe the laws and usages of war.

Art. III. The military forces of the belligerent parties may be composed of combatants and non-combatants. In case of capture by the enemy both shall be entitled to be treated as prisoners of war.

### Chapter II.—Prisoners of War.

Art. IV. Prisoners of war are prisoners of the enemy's government, and not of the individuals or corps who have captured them. They are to be treated with humanity. Everything which belongs to them personally, except arms, horses, and military papers, remains their property.

Art. V. Prisoners of war may be interned in any town, fortress, camp, or place whatsoever, under the obligation not to pass beyond certain fixed limits; but they may be confined only as an indispensable measure of security.

Art. VI. The state may employ prisoners of war as laborers, according to their rank and aptitude. These labors shall not be excessive, and shall have no connection with the operations of the war.

Prisoners may be authorized to be employed in the public administration, or by private individuals, or on their own account.

Work done for the state shall be paid for in accordance with the rates of pay allowed to military persons of the national army when engaged upon the same work. When work is done for other departments of the government, or for private individuals, the con-

ditions of labor shall be regulated by agreement with the military authorities.

The pay of prisoners shall be employed to ameliorate their condition, and the surplus, after the expenses of their maintenance have been deducted, shall be paid over to them at the instant of their liberation.

Art. VII. The government in whose power prisoners of war happen to be is charged with their support. In the absence of a special understanding between the belligerents, prisoners of war shall be treated, in respect to food, lodging, and clothing, in the same way as the troops of the government which has captured them.

Art. VIII. Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the state in whose power they happen to be. Every act of insubordination authorizes, so far as they are concerned, a resort to the necessary measures of severity. Escaped prisoners, who are retaken before they shall have succeeded in rejoining their own army, or before quitting the territory occupied by the army which shall have captured them, are liable to disciplinary punishment. Prisoners who, after having succeeded in escaping, are again made prisoners, are not liable to any punishment for the previous escape.

Art. IX. Every prisoner of war, if interrogated on the subject, is required to declare his true name and rank, and, in case of infringement of this rule, he may be exposed to a restriction of the benefits accorded to prisoners of war of his class.

Art. X. Prisoners of war are to be liberated on parole, if the laws of their country authorize it, and, in such case, they are obliged, under the guarantee of their personal honor, to perform scrupulously, as well in relation to their own governments as in regard to that which has made them prisoners, the engagements which they may have entered into. In the same case, their own government is to refrain from demanding or accepting any service from them contrary to the tenor of the paroles which they have given.

Art. XI. A prisoner of war cannot be compelled to accept his liberty on parole; nor is the enemy's government obliged to accede to the demand of a prisoner of war who claims his release on parole.

Art. XII. Every prisoner of war released on parole who subsequently takes up arms against, and is recaptured by, the government to which he has engaged his honor, or against its allies, forfeits the right to be treated as a prisoner of war and may be brought before its tribunals.

Art. XIII. Individuals who accompany an army without forming an integral part of it, such as correspondents and reporters of newspapers, sutlers and contractors, who fall into the hands of the enemy, and whom the latter deems it expedient to detain, are entitled to be treated as prisoners of war, on condition that they are provided with certificates of identity by the military authority of the army which they accompany.

Art. XIV. There shall be established at the outbreak of hostilities, in each of the belligerent states, and, if there be occasion, in neutral states which shall have received belligerents within their territories, a Bureau of Information in respect to prisoners of war. This bureau, which is charged with replying to all applications concerning prisoners, shall receive from the several branches of the service having jurisdiction of the same all the data necessary to establish the individual record of each prisoner of war. It is to be kept informed as to internments and changes, as well as to deaths and admissions to hospitals.

The Bureau of Information is also to receive, centralize, and transmit to the properly interested parties all articles of personal property, valuables, letters, etc., which shall have been found on the field of battle or left by deceased prisoners in ambulances and hospitals.

Art. XV. Societies for the relief of prisoners of war, regularly established under the laws of their respective countries, whose purpose it is to become the intermediaries of charitable action, shall receive on the part of belligerents, for themselves and for their duly credited agents, every facility within the limits prescribed by military necessity and the rules of administration to effectively accomplish their humane purpose. Delegates of these societies may be admitted to distribute aid in the depots of internment, as well as in the halting-places of prisoners who are being sent back to their own country, by means of a personal permit, issued by proper military authority, and on condition that they take an engagement in writing to submit to all measures of discipline and police that may be prescribed by the latter.

Art. XVI. Bureaus of Information shall be entitled to freedom of transport. Letters, or drafts, and sums of money, as well as postal packages addressed to prisoners of war, or sent by them, shall be exempt from all postal dues, not only in the countries of origin and destination, but also in intermediate countries. Charitable gifts and relief in kind destined for prisoners of war shall be admitted free of import duty, and shall be transported free of cost on railways operated by the state.

Art. XVII. Officers who are prisoners of war shall receive the portion, if any there be, of the pay allowed them, as prisoners of war, by the regulations of their own country, on condition that it be reimbursed by their own government.

Art. XVIII. Every latitude shall be allowed to prisoners of war for the free exercise of religious belief, in which shall be included the right to attend religious service, upon the single condition that they conform to the measures of discipline and police prescribed by the proper military authority.

Art. XIX. Wills of prisoners of war are accepted or drawn up on the same conditions as for soldiers of the national army. The same rules will be followed in all matters concerning documents relating to the identification of the deceased, and to the burial of prisoners of war, regard being had to their rank and grade.

Art. XX. After the conclusion of peace the return of prisoners of war to their own country shall be accomplished with the least possible delay.

### Chapter III.—The Sick and Wounded.

Art. XXI. The obligations of belligerents in respect to the sick and wounded are regulated by the Geneva Convention of August 22, 1864, except as to the modifications which may be made in that instrument.



## APPENDIX IV

### **Resolutions and Wishes of the Xth International Conference of the Red Cross, 30 March-7 April, 1921, Concerning Prisoners of War**

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After the World War it was deemed advisable to make a study of the matters pertaining to prisoners of war and a proposed code was prepared and presented for the International Committee of the Red Cross. It was adopted by the Xth conference and contains an excellent summary of the measures deemed necessary for the proper disposition of the matters pertaining to prisoners of war, many of which principles have hereinbefore been set out in detail. The proposed code contains so many salutary principles that it is summarized herein as follows:

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#### **Code of Prisoners of War, Deported, Evacuated and Refugees.**

##### **I.**

The conference expresses the wish that the governments conclude with the briefest possible delay the completion and eventual modification of the convention of the Hague, no. IV, of 1907, regulations annexed, a diplomatic convention upon prisoners of war, the deported, evacuated and the refugees and prescribe their juridical situation and fix the regulations of the regime to which they may be subjected. An international code of disciplinary and penal measures to apply to prisoners of war should be made an integral part of this convention.

The conference expresses the wish that this convention should be based upon the following principles:

1. The right of capture is founded especially upon the right of belligerent States to enfeeble, during the period of hostilities, the combative force of their adversaries.

2. Only belligerents and the civilians who may be made prisoners of war according to the laws in force may be called under arms immediately or within the period of one year, in considering at the same time the dispositions of the convention of Geneva of 1906 under the sanitary personnel.

Spies of both sexes may not be considered as belligerents. They are governed by the laws of war, conforming to the dispositions of the convention of the Hague no. IV, 1907, regulations annexed, art. 29 and following.

3. The treatment of captives will be free from all spirit of

hostility except such as may be necessary to guard them. Restrictions other than those absolutely indispensable for this object are forbidden. The prisoner of war has the rights in this respect that are due all other human beings. The captor State and the national State should protect him.

4. The deprivation of liberty imposed upon the prisoners of war has no character of a penalty or of dishonor. It should not cause for him any *capitis deminutio*<sup>1</sup> either on the part of the captor State or that of the national State. The prisoner conserves all his civil and political rights and should be permitted to exercise them in the measure that the circumstances permit and no absolute obstacle should be placed, excepting in the case in which the juridical sentences intervenes.

5. The prisoner has the benefits of the common law of the captor State, which he should also respect; for all the infractions which he commits, he is subject to the civil and military laws in force in the country where he is interned.

Escape without other offense is not considered as a crime against the captor State, except in a case when the prisoner shall have violated an engagement of honor. It should at the most provoke disciplinary measures, which will be limited by the code prescribing the maximum punishment.

6. Except in different grades the prisoners ought to be treated upon a footing of equality. Race, nationality, or religion should not incur treatment of privilege or disfavor.

In the choice of their occupations, their professional aptitudes and their physical capacities should be considered.

7. The duration of the captivity of able-bodied prisoners of war should not extend over more than two years; if the hostilities are prolonged beyond this period, the prisoners of war should be repatriated commencing with the most aged. The repatriated prisoners of war will not be employed in military service, nor at the front, nor in the zone of the distributing points, nor in the interior of the enemy occupied territory, nor in the territory or possession of a State allied with their country of origin. The prisoners unfit for active service by reason of sickness or infirmities will be repatriated immediately. The repatriation will take place by categories, without consideration of the numbers of prisoners of war. Under exceptional difficulties the repatriation should be replaced by internment in a neutral country.

8. Reprisals against prisoners of war are strictly forbidden. The State which institutes them will be considered as committing a violation of the code; it may not invoke extenuating circumstances and will be subjected to the conditions outlined in paragraph 14.

9. The civil deportation may be applied only to the individuals for personal offenses duly defined and necessitating such measures; the last will only be taken after a sentence has been properly adjudged. The deportation en masse applying only to entire categories of inhabitants should not in any case be decreed.

10. It is forbidden to take the hostages from among the civil population.

11. The inhabitants of a region who have fled before the invasion or who have been evacuated by reason of military necessity should be permitted to return home as soon as the local circumstances having caused the flight of the inhabitants or the necessity no longer exists. Correspondence between free and occupied territory should be immediatley authorized, the same as the transmis-

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<sup>1</sup>Loss of *caput* or legal personality by extinction of any one of the three elements *civitas, libertas, familia*, see 9 *Juridical Rev.* 132; Sohm Rom. L. (3d Ed.) 178.

sion of funds and help in kind. It is understood that the application of this principle should not exclude measures of control deemed necessary and a regulation will prescribe the details of the functioning of this service.

The evacuated will be assimilated with the remainder of the population of the occupied territory; in the case where their reunion in certain centers should become necessary, the treatment to which they will be subjected will not be, in any case, inferior to that of prisoners of war, the same privileges should be applied to individuals deported.

The sanitary personnel, which is placed under the protection of the convention of Geneva of 1906, as well as the Relief Societies, provided in article 15 of the convention of the Hague, no. IV, of 1907, regulations annexed, will lend their aid to the evacuated or refugee civilians.

12. Independently of the bureau of information and of aid, established by the belligerent countries upon their own territory, there should be formed a central agency where all official and private information upon the place of internment of prisoners of war, condition of health, their regime and their needs shall be recorded. The belligerent governments will communicate regularly to this agency, by the most rapid way, all the information which they gather upon prisoners of war; identification, place of internment, changes, health, death, etc. This information will be transmitted with the briefest delay possible to the State to which the prisoners of war appertain, to the Red Cross organizations and to the families interested. The international committee of the Red Cross is charged with the organization of this central agency in a neutral country. To collect information, to assure the transmission of the correspondence and to coordinate the distribution of aid, it shall have recourse to the collaborations of the Red Cross organizations which shall be in a situation to accelerate the rapidity of the services of information, of transmission and of distribution.

13. Finally to assure the respect of the convention by the belligerents, a neutral control, independent of all political influence, religious, or economic, should be exercised in all places of internment during the captivity and in the course of repatriation. It is desirable that this control be exercised by the same organization, among the belligerents. There ought to be given the greatest publicity to the reports of the delegates. The international committee of the Red Cross is designated by the contracting governments, to accomplish this role of protection. The expenses which are incurred will be borne by the interested States. From the opening of hostilities, the international committee of the Red Cross will communicate with the belligerent governments and the National Red Cross organizations of the neutral country to organize the practical functioning of this organization. The international committee of the Red Cross will be assisted in its task by the representatives of the governments which are charged with the protection of the interests of the belligerents. The belligerents are required to permit the neutral agents to visit the places of internment and to furnish all necessary information. There should be no camp, hospital, working detachment or place of detention not subjected to the inspection of the designated agencies. As a result, no camp, hospital, working detachment or place of detention should be located in a zone which neutral delegates may not visit.

14. If one of the belligerents considers that his adversary has violated the present convention such a belligerent may refer the matter to the International committee of the Red Cross and demand it to verify the acts constituting the offense. The international committee shall transmit the complaint to the accused State,

asking if it is disposed to permit it to organize the necessary inquest. If the accused State refuses this authority, the international committee will publish the complaint received and the response which has been made.

If the international committee of the Red Cross, as a result of the inquest provided for or by the intermediary of the organs of control indicated by article 13, has duly determined the violations of the present convention, it shall communicate to the delinquent State the results of its inquests and demand it to take the necessary measures. In the event of these efforts remaining without effect, the international committee shall refer it to the Council of the Association of Nations, which shall determine the effective measures to be taken against prisoners of war.

The authors of the violations committed against prisoners of war will be personally held responsible and shall be referred to their competent national tribunal.

In a case where legislative measures provided or the penalty applied by the State does not seem sufficient it may then be called before the permanent court of international justice.

15. Each of the contracting parties binds itself to elaborate a penal law providing for all the infractions of the present convention.

16. All controversies which arise as to the application and the interpretations of the present convention may be presented for decision to the permanent court of international justice.

## II.

To obtain immediate study by the governments of a convention upon the basis announced, the Xth conference

1. recommends to the national Red Cross organizations to exert every effort looking towards the adoption of these resolutions by their governments;

2. to facilitate the preparatory works for the consideration of a diplomatic convention, pray the international committee of the Red Cross to designate a commission to elaborate, without delay, the text of a proposed code upon the basis announced, in utilizing the conventions concluded during the war and the works prepared at the conference;

3. to charge the international committee of the Red Cross to submit to the governments the above resolutions and to propose at the proper time to the Federal Swiss government, to take the initiative of an international diplomatic conference destined to conclude a convention upon the basis proposed.

## III.

The Xth conference invites the national Red Cross organizations to study as soon as possible how they may exercise their duties pertaining to information, of transmission of aid in favor of prisoners of war, evacuated refugees, deported, provided under paragraph 12 by the following resolution:

1. To study the means for the assurance in their own country of the effective cooperation of various organizations of aid having as their object the avoidance of duplication and useless efforts;

2. To determine their duties and their sphere of action in accordance with the civil military authority.

3. To inform the international committee of the Red Cross as to results which they shall have obtained, in order that it may coordinate the measures employed in all the countries.

## APPENDIX V

### Washington Conference on the Limitation of Armaments, 1922

At the Washington conference on the Limitation of Armaments, 1922 a treaty was agreed upon between the United States of America, the British Empire, France, Italy, and Japan, declaring (Article I) that among the rules adopted by civilized nations of the protection of the lines of neutral and non-combatants at sea in time of war, the following are to be deemed an established part of international law:

(1) A merchant vessel must be ordered to submit to visit and search to determine its character before it can be seized.

A merchant vessel must not be destroyed unless the crew and passengers have been first placed in safety.

(2) Belligerent submarines are not under any circumstances exempt from the universal rules above stated; and if a submarine cannot capture a merchant vessel in conformity with these rules, the existing law of nations requires it to desist from attack and from seizure and to permit the merchant vessel to proceed unmolested.

#### ARTICLE II.

The signatory powers invite all other civilized powers to express their assent to the foregoing statement of established law so that there may be a clear public understanding throughout the world of the standards of conduct by which the public opinion of the world is to pass judgement upon future belligerents.

#### ARTICLE III.

The Signatory Powers, desiring to insure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and distinction of merchant ships, further declare that any person in the service of any power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war and shall be liable to trial and punishment as if for an act of piracy and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found.

#### ARTICLE IV.

The Signatory Powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as

they were violated in the recent war of 1914-1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and non-combatants and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves and they invite all other nations to adhere thereto.

(Washington Conference on the Limitation of Armament, part II, Treaties and Resolutions, p. 79, signed 6 February, 1922.)

#### THE RESOLUTIONS.

No. 1. Resolution for a commission of jurists to consider amendment of laws of war.

The United States of America, the British Empire, France, Italy, Japan have agreed:—

I. That a commission composed of not more than two members representing each of the above mentioned Powers shall be constituted to consider the following questions:—

(a) Do existing rules of International Law adequately cover new methods of attack or defense from the instruction or development, since the Hague Conference of 1907, of new agencies of Warfare? (b) If not so, what changes in the existing rules ought to be adopted in consequence thereof as a part of the law of nations?

II. That the notices of appointment of the members of the commission shall be transmitted to the Government of the United States of America within three months after the adjournment of the present conference, which after consultation with the Powers concerned will fix the day and place for the meeting of the Commission.

III. That the commission shall be at liberty to request assistance and advice from experts in International Law and in land, naval and aerial warfare.

IV. That the commission shall report its conclusions to each of the Powers represented in its membership.

Those powers shall thereupon confer as to the acceptance of the report and the course to be followed to secure the consideration of its recommendations by the other civilized Powers.

Adopted by the Conference on the Limitation of Armament, at the Sixth Plenary Session, February 14th, 1922.

## APPENDIX VI

### **Abstracts from Report of Commission of Jurists Made Pursuant to the Washington Conference, 1922**

#### **Commission of Jurists.**

The commission of Jurists was appointed under a resolution adopted at the Washington Conference on the Limitation of Armament on February 4, 1922, by the United States of America, the British Empire, France, Italy and Japan. This resolution provided for the constitution of a commission to be composed of not more than two members representing each of the Powers above mentioned. The Hague was subsequently chosen as a place of meeting, and the Dutch government accepted an invitation to be represented on the Commission.

\* \* \* \* \*

By the Washington Resolution it was provided that the Commission might be advised and assisted by experts in international law and in land, naval and aerial warfare. As a result each delegation came to comprise a number of technical experts, especially in military and naval matters. The official list of the personnel of the various delegations contained a total of fifty-five names. This list did not include clerical employees.

\* \* \* \* \*

#### **CHAPTER V.**

Military authority over enemy and neutral aircraft and persons on board.

\* \* \* \* \*

#### **Article 36.**

When an enemy military aircraft falls into the hands of a belligerent, the members of the crew and the passengers, if any, may be made prisoners of war.

The same rule applies to the members of the crew and the passengers, if any, of an enemy public non-military aircraft except that in the case of public non-military aircraft devoted exclusively to the transport of passengers, the passengers will be entitled to be released unless they are in the service of the enemy, or are enemy nationals fit for military service.

If an enemy aircraft falls into the hands of a belligerent members of the crew who are enemy nationals or who are neutral nationals in the service of the enemy, may be made prisoners of war. Neutral members of the crew, who are not in the service of the enemy, are entitled to be released if they sign a written undertaking not to serve in any enemy aircraft while hostilities last. Passengers are entitled to be released unless they are in the service of the enemy or are enemy nationals fit for military service, in which cases they may be made prisoners of war.

Release may in any case be delayed if the military interests of the belligerent so require.

The belligerent may hold as prisoners of war any member of the crew or any passenger whose service in a flight at the close of which he has been captured has been of special and active assistance to the enemy.

The names of individuals released after giving a written undertaking in accordance with the third paragraph of this article will be notified to the opposing belligerent, who must not knowingly employ them in violation of their undertaking.

#### Article 37.

Members of the crew of a neutral aircraft which has been detained by a belligerent shall be released unconditionally, if they are neutral nationals and not in the service of the enemy. If they are enemy nationals or in the service of the enemy, they may be made prisoners of war.

Passengers are entitled to be released unless they are in the service of the enemy or are enemy nationals fit for military service, in which cases they may be made prisoners of war.

Release may in any case be delayed if the military interests of the belligerent so require.

The belligerent may hold as prisoners of war any member of the crew or any passenger whose service in a flight at the close of which he has been captured has been of special and active assistance to the enemy.

#### Article 38.

Where under the provisions of article 36 and 37 it is provided that members of the crew or passengers may be made prisoners of war, it is to be understood that, if they are not members of the armed forces, they shall be entitled to treatment not less favorable than that accorded to prisoners of war.

(See Department of State papers, Washington, D. C., released for morning papers June 25, 1923.)

## APPENDIX VII

### Suggested Regulations

After the World War the *International Law Association*, 2 King's Bench Walk, Temple, E. C. 4, London, endeavored to take steps to improve the conditions pertaining to prisoners of war. The author in reply to an inquiry made by him of that organization received the following reply:

"2 King's Bench Walk, Temple, E. C. 4,  
London, 10th October, 1921.

"My dear sir,

"The Regulations for Prisoners of War were carried at the Hague Conference. I enclose a copy and hope that you may be able to give it some notice in your new book.

Believe me,

Yours very truly,  
HUGH H. L. BELLOT, (D. C. L.)

Herbert C. Fooks, Esq.,  
723 Munsey Building, Baltimore, Md.

The regulations mentioned in the above letter are as follows:

#### PRISONERS OF WAR.

#### Suggested Regulations.

I. **Status of Prisoners of War.**—Prisoners of war being in the power of the hostile Government, but not of the individuals or corps who capture them, the captor Government and its military authorities are responsible for their safety and proper treatment.

Prisoners of war enjoy a recognised status under the protection of international law. Every denial or breach of any recognised right or privilege of a prisoner of war is an offence against the Law of Nations and should entail personal consequences on the actual delinquents as well as full responsibility on the part of the captor State.

II. **Taking.**—The taking of prisoners should continue to be governed by the existing rules of the Hague Convention and the laws and customs of war with such additions as the experience derived from the late war has shown to be necessary.<sup>1</sup>

III. **Protection.**—On first capture prisoners of war should be brought as soon as possible to a collecting camp situated at a dis-

<sup>1</sup>See Hague Convention Land War, Art. 23. Brit. Man. of Mil. Law, p. 244, CXIV. IV. 1 (a).

tance of not less than 30 kilometers (18 miles) from the firing line.

This transfer of prisoners from the front should be made under humane conditions and with all possible regard to the prisoners' situation. Prisoners of war should not be employed in the area of operations, which should be taken to be at least 30 kilometres from the front line at its nearest point. They should not be retained or employed on the lines of communication.

There should be no discrimination or difference of treatment to the prejudice of prisoners of any particular nationality; but the national or racial characteristics of prisoners should during internment be taken into consideration, including their religious beliefs and practices.

Prisoners are not to be subjected to reprisals of any kind in retaliation for any act committed by their Government or fellow subjects.

**IV. Notification of Capture.**—Notification of a prisoner's capture or, in the case of a civilian prisoner of war, of his internment should be transmitted to the Government of the prisoner's country of origin without delay.

Every prisoner should be allowed within one week of capture to notify his friends of the fact by postcard to be supplied to him for the purpose. The postcard is to be forwarded to its address without delay, and shall not be destroyed. Similarly within three days of his arrival at a prisoners' camp a prisoner should be permitted to send to his friends by card the address to which they may send his letters, postcards, remittances and parcels. Such cards must be despatched without delay and are not to be included in the number of letters a prisoner is authorised to write. A like privilege should be accorded to a prisoner when he is transferred from one camp to another.

**V. Treatment.**—The treatment of prisoners should follow the principles laid down in international agreements. In particular they must be protected from acts of insolence and personal insult, and from public curiosity, and always be treated humanely.<sup>1</sup>

Forcible means of any kind, direct or indirect, to compel a prisoner to give information about his army or country or military or naval or aerial operations generally, should be strictly forbidden. Prisoners who refuse to give information may neither be threatened nor insulted nor subjected to any other treatment less favourable than that meted out to other prisoners.

No inducements or pressure on prisoners to join the combatant forces of the captor State should be allowed.

**VI. Doctors and Ministers of Religion.**—Medical officers, hospital personnel, and ministers of religion ought not to be liable to be detained as prisoners of war.

**VII. Labour of Prisoners of War.**—The work assigned to prisoners of war should be such only as they are fitted to perform by their training, intelligence and physical condition. It should be civilian in character, confined to usual peace time employment in the service of the State or of municipal bodies or private individuals or on the prisoner's own account. The captor State is precluded from employing prisoners of war or from permitting them to be employed on any work connected with military or naval or aerial needs, even at a distance from the area of operations. Similarly, employment in dangerous or unhealthy occupation, e. g., quarries.

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<sup>1</sup>Hague Conventions, Art. 4; B. G. Agreements, 1918, § 28.

salt-mines, etc., cannot be imposed on prisoners of war without their consent.

**VIII. Payment of Labour.**—The rate of pay for work done by any prisoner shall be not less than the rates applicable to the civilian population of the captor States doing the like work in the district.

**IX. Food and Maintenance.**—Prisoners of war, whether combatant or civilian, ought to be provided with the same quality and quantity of food as the civilian population of the captor State similarly employed, and in case of prisoners excused from or unable to work their allowance of food must neither in quantity nor quality fall below a safe subsistence level.

**X. Equipment and Organisation of Camps.**—The standard set of conditions set up by the B. G. Agreement for officers' camps and ranks other than officers should be adopted. See (42, 43, 44) Annex III. and IV., accommodation and arrangements, &c. Also as to food, parcels, and the daily rations of prisoners which are to be sufficient in quantity and quality, specially as regards meat and vegetables, regard, however, being had to the restrictions imposed on the consumption of food by the civil population of the country. Officers to be assisted as far as possible to manage their own messing.

**XI. Conduct and Punishment.**—It should be recognised that it is not a crime to escape. It is the duty of a prisoner of war to attempt to do so if a favourable opportunity presents itself, as it is equally the duty of the captor to prevent escape, for which purpose he may resort to any measures not punitive in character that will best secure that end.

There should be a fixed scale of punishments for breaches of discipline, attempt to escape, &c., and in particular provisions should be made—

- (1) that there be no flogging, torture, or any other punishment inflicted on the body of a prisoner;
- (2) that there be no consecutive or recurrent punishments;
- (3) that no bodily violence be done to a prisoner except in self defense or when taken in the act to prevent escape;
- (4) that no confinement in a dark cell exceed 24 hours, and no military confinement exceed 14 days, and no substitute for cells in a camp (e.g., tying to a stake) be allowed.

**XII. Help Committees for Camps.**—The provisions of the B. G. A. should be adopted whereby for every main and every working camp with more than 100 prisoners of war of the same nationality there should be constituted a Help Committee of their body chosen by prisoners from among themselves, and individually approved by the Commandant.

**XIII. Protecting Powers—Relative to Protecting Powers (and Neutrals).**—Prisoners should be allowed freely to address complaints to the protecting Legation or visiting members of it through their Help Committee, or directly if, in any case, there be no such Committee.

It should be the right of neutral Powers to make representations at any time to either or both belligerents as to the treatment of prisoners of war, nor should any such action be considered as an unfriendly or unneutral act.

It should be the right and duty of any neutral Power acting as protecting Power, to demand full information as to the treatment of prisoners, and by its officer to inspect their condition and arrangements.

**XV. Conferences between Belligerents during War.**—Efforts should be made to devise some procedure whereby within a period of not less than one year after the outbreak of war a Conference is to be held in a neutral country between representatives of the belligerent Powers to arrange terms for the repatriation or internment in a neutral country of wounded or sick prisoners of war and for the settlement of such questions as were in fact adjusted at such Conferences held during the late war.

The governing Treaties are Hague Conventions on War on Land and Neutrality, and Geneva Convention, 1906.

#### References.

Hague Convention on War on Land, 1899.

Hague Convention on War on Land, 1807.

British Seamen Agreements of 1917 and 1918, "B. G. A."  
Manual of Military Law, 1917.

## APPENDIX VIII

### **Agreement Between the United States and Germany Concerning Prisoners of War, Sanitary Personnel and Civilian Prisoners at Berne, Switzerland, November 11, 1918**

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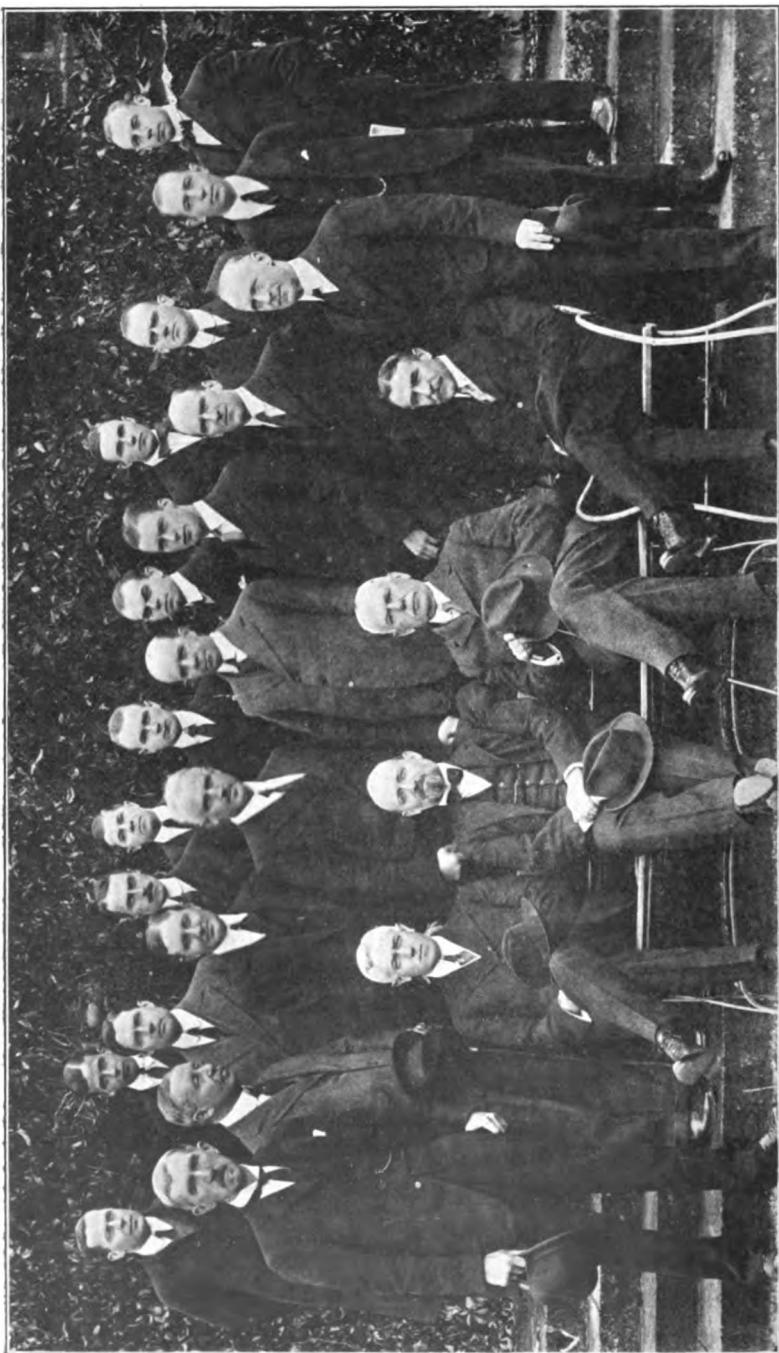
When I talked with Dr. John W. Garrett, one of the four commissioners who signed the treaty of Berne, Switzerland, November 11, 1918, about the treaty, he said that it was the culmination of all the efforts in behalf of prisoners of war. He spoke modestly of his three years of labor with the civilians who were prisoners of war, and his seven weeks work at the conference at Berne before the treaty was signed. He says that in time of peace when more consideration can be given this subject, and when specialists in various matters may be obtained to study it, a better treaty may be prepared, and expressed a wish that this will be done. There is this to be said, however, that the treaty was prepared when the obstacles to be encountered in war were glaringly before the commissioners so that its provisions should be fitted for warfare as it is conducted rather than as in peace times we think it should be.

Dr. Garrett believes that the development of the principle of neutral inspection and control of prisoners of war enclosures was one of the greatest advances in the conditions pertaining to prisoners of war for by these inspections much was done for the captives.

Dr. Garrett was so enthusiastic in his discussion of this subject that he wished to see me although temporarily confined to his bed, and he was so interested while talking about it that he could not lie still in bed.

HERBERT C. FOOKS.

DIPLOMATIC MISSION FOR TREATY OF BERNE, NOVEMBER 11, 1918.  
Seated, left to right- John W. Davis, Solicitor General of the United States; John W. Garrett, Chairman, Minister to  
The Netherlands and Luxembourg; Major General J. F. Kernan, U. S. A.; Captain H. H. Hough, U. S. N.



**A. Prisoners of War.****I. INTERNMENT IN A NEUTRAL COUNTRY OR REPATRIATION OF PRISONERS OF WAR.****1. Valid Prisoners of War.****ARTICLE 1.**

Valid prisoners of war who have been in captivity for one year, except as otherwise specifically provided in Articles 2, 3 and 16 shall be repatriated on the basis of head for head and rank for rank.

On the same basis prisoners of war who have been interned in a neutral country because of invalidism and have been declared cured and valid by a neutral medical commission, shall be repatriated when they shall have been in captivity and interned in a neutral country, both combined, for a period of one year.

In the execution of this Article the following shall be deemed to be of equal rank:

- (a) all general, flag, field and commanding officers;
- (b) all other officers;
- (c) all noncommissioned and petty officers;
- (d) all other enlisted or enrolled persons.

**ARTICLE 2.**

The personnel of the German war vessels who were interned in the United States or its possessions prior to April 6, 1917, who are now held as prisoners of war, and who have no claim because of invalidism to repatriation, shall be exchanged, as soon as possible after this agreement goes into force for an equal number of American prisoners of war, whether the latter have been in confinement for a year or not, on a basis of head for head and rank for rank. In the execution of this Article the following shall be deemed to be of equal rank:

- (a) all officers;
- (b) all noncommissioned officers, petty officers and men.

**ARTICLE 3.**

Prisoners of war who have completed their fortieth (40th) year of age and who, although eligible for repatriation on the basis of rank for rank and head for head as established in Article 1, can not be repatriated because of the inequality in the numbers of such prisoners of war held by the two parties, shall be interned in a neutral country. They may be repatriated as soon as conditions as to equality in the number of prisoners of war held by the two parties shall render possible an exchange on the basis of Article 1.

**2. Invalid Prisoners of War.****ARTICLE 4.**

Prisoners of war shall be directly repatriated without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections I A, II A, and III.

**ARTICLE 5.**

Prisoners of war shall be interned in a neutral country without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections I B, II B, and III.

**ARTICLE 6.**

Prisoners of war who do not suffer from the disabilities or diseases of the kind specified in Annex 1 may be repatriated or interned in a neutral country when their condition of health in other respects appears to the Travelling Commissions or Commission of Control to render this necessary.

**ARTICLE 7.**

The cause of the infirmity or disease shall not be taken into consideration in determining the eligibility for repatriation or internment of prisoners of war on the ground of invalidism except when self-inflicted injuries are involved.

**ARTICLE 8.**

For the purpose of determining what prisoners of war are entitled to repatriation or to internment according to Articles 4, 5 and 6, on account of invalidism, the prison camps are to be visited by medical commissions (Travelling Commissions).

Each Travelling Commission shall consist of one neutral physician and one physician of the Captor State. In the case of a difference of opinion the decision shall rest with the neutral physician. The Travelling Commissions may be composed exclusively of physicians of the Captor State, provided the State of Origin requests it through the Protecting Power.

At the request of the Protecting Power Travelling Commissions shall be allowed to make recommendations in regard to the medical care of the prisoners and the hygienic conditions of the camps.

One of the Travelling Commissions, the number of which is to be in proportion to the number of prisoners held by each State, shall visit each camp every two months.

**ARTICLE 9.**

There shall be brought before the Travelling Commissions all prisoners of war who have been proposed for repatriation or internment in a neutral country:

- (a) by the camp physician in a list prepared by him;
- (b) by the State of Origin to the Government of the Captor State;
- (c) by the Camp Help Committee;
- (d) by the head of a hospital not under the authority of a Camp Commandant or by any other person in independent charge of prisoners.

In order to carry out the provisions mentioned in paragraph 1, subsection c, the Camp Help Committee shall be allowed to prepare each month a list of prisoners of war in or belonging to the camp, which list is to be handed to the Camp Commandant.

All prisoners of war in confinement within or without the camp shall receive consideration by all authorities concerned in the proposals for examination. The Camp Commandant shall keep a current list of all prisoners of war in confinement which shall be copied monthly by the Camp Help Committee. Copies of the lists which have been prepared by the camp physicians and by the Camp Help Committees shall be kept in the custody of the Camp Commandants.

The lists of prisoners of war named by the State of Origin shall be handed to the Travelling Commissions.

**ARTICLE 10.**

The representative of the Camp Help Committee with each working detachment shall transmit every month to the Commandant and to the Camp Help Committee of his own camp duplicate lists showing the names of all men from the camp in his working detachment and also showing in regard to each man named thereon:

- (a) whether in the representative's opinion, he should be examined by the Travelling Commission;
- (b) whether the man himself desires to be examined; or
- (c) whether he neither needs to be nor desires to be examined.

These lists are to be submitted with the greatest possible dispatch.

**ARTICLE 11.**

The Travelling Commissions, on their arrival in each camp and before beginning examinations, shall inspect the lists in the custody of the Camp Commandant and compare them with the lists in their own possession.

Should a prisoner of war whose name appears on one of the lists have been transferred to another prison camp before the arrival of the Travelling Commission, or should a prisoner of war be in confinement outside of the camp and request of the proper authorities of his parent camp or of his Camp Help Committee an examination by a Travelling Commission, the Commission shall be so informed. The Commission shall transmit the names of any such prisoners to a central authority designated by the Captor State, which authority shall arrange in every case for the examination of all such prisoners of war by one of the Travelling Commissions.

**ARTICLE 12.**

When visits are to be made by Travelling Commissions to prisoners of war in zones barred for military reasons, arrangements therefor compatible with military necessities shall immediately be made by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall, for the purpose of presentation to the Travelling Commission, be brought to a locality accessible to the commission.

**ARTICLE 13.**

The adverse decisions of the Travelling Commissions shall be communicated to the State of Origin, together with the reasons therefor, and the name of the agency which proposed the prisoner of war for repatriation or internment.

**ARTICLE 14.**

In cases which have been recognized as urgent by the medical officers of the Captor State because of the serious nature of the infirmity or disease of the prisoner of war, the repatriation or internment in a neutral country shall take place at once, without waiting for a visit from the Travelling Commission.

**ARTICLE 15.**

Prisoners of war who have been found by the Travelling Commissions to be eligible for repatriation or for internment shall be examined by a Commission of Control whose decision shall be final. The Commission of Control shall consist of three physicians of a neutral country and three physicians of the Captor State. In case of a tie vote, the vote of the senior neutral physician shall be decisive.

The provisions of Article 13 shall apply to the adverse decisions of the Commission of Control.

Prisoners of war who have been recognized by the Commission of Control as entitled to repatriation or internment shall be repatriated or interned in a neutral country with the least possible delay.

**3. General Provisions.****ARTICLE 16.**

Valid submarine personnel who have been in captivity for a period of not less than twelve (12) months and who might otherwise be entitled to repatriation under this agreement shall in lieu of repatriation be interned in a neutral country until the conclusion of peace, anything in this agreement to the contrary notwithstanding. Invalid submarine personnel shall be repatriated or interned as provided in this agreement for other invalid prisoners of war.

**ARTICLE 17.**

The order of priority for internment in a neutral country and for repatriation shall be determined in accordance with the principles stated in Article 175.

**ARTICLE 18.**

Prisoners of war eligible for internment in a neutral country or for repatriation, under Articles 1 to 7, inclusive, and 16, may renounce their rights thereto, in which case a written declaration of the fact must be made.

In doubtful cases either of the two Governments may request confirmation of the renunciation through a representative of the Protecting Power, or, in the case of prisoners of war interned in a neutral country, through the government of the latter country.

**ARTICLE 19.**

Prisoners of war interned in a neutral country shall not be repatriated unless they become eligible for repatriation:

- (a) Under the provisions of Annex 1; or
- (b) Under the provisions of articles 1, 3 or 6.

Before their repatriation their names shall be reported by the competent authorities of the neutral country to the Government of the Captor State.

The decision relating to the repatriation of prisoners of war from a neutral country under this article shall be made by neutral examining commissions. The neutral Government is to be requested to arrange examinations accordingly every three months or oftener if necessary in special cases.

## ARTICLE 20.

If prisoners of war eligible for internment in a neutral country or repatriation are awaiting trial, they may be detained until the completion of the trial, and, with the limitation provided in the following paragraph, until the expiration of the sentence if any.

If prisoners of war eligible for internment in a neutral country or repatriation have not yet begun or have not completely served a sentence imposed upon them, they may be detained until they have completed their punishment, but not longer than two months from the day on which they would otherwise have been interned or repatriated.

This provision does not apply to prisoners of war who are to be transported over seas and the unexpired portion of whose sentences does not exceed two months. In such cases the prisoners of war shall not be detained, but they shall be sent on the next available transport.

When a prisoner of war is detained under either of the above provisions, the Government of the State of Origin shall be advised by the Government of the Captor State of the reason for detention and, in the case of punishment, of the length of the sentence and of the unexpired portion thereof.

The provisions of this article do not apply to those cases in which a neutral Government refuses to receive for internment a prisoner of war who has been sentenced on account of a grave offense.

## ARTICLE 21.

Prisoners of war who have been repatriated under the terms of this agreement shall be excluded from service in units normally used in combat against the enemy on water or land or in the air in the forces of the Contracting Parties or of any of their allies or cobelligerents.

Cases of infringement of the provisions in the above paragraph brought to the attention of the State of Origin by the corresponding Protecting Power shall be investigated by the former and proper redress made therefor without delay.

## ARTICLE 22.

Prisoners of war who are to be interned in a neutral country or repatriated may take their personal belongings with them, including moneys in their possession, or held for them or due them on any account, subject to the following limitations:

(a) All export regulations must be complied with. Nevertheless a prisoner of war may, except as provided in subsection c, take with him clothing and personal effects which he possessed at the time of capture or which were sent him from abroad for his personal use while a prisoner. He may also take with him the articles enumerated in the third paragraph of Article 28.

(b) Prisoners of war may take with them written or printed matter only in case circumstances permit examination by the censor. This restriction is not applicable to birth, baptismal, or marriage certificates, or to commissions and other personal official papers.

(c) The total weight of the baggage which may be taken shall not exceed fifty kilograms, exclusive of hand baggage. An equalization of weights over and under the authorized limit shall be permitted among different persons of the same party. This limit of

fifty kilograms is not to apply to persons going overseas; on the contrary, such persons may take as much baggage with them as can be transported without difficulty.

A certificate shall be furnished for articles retained, and care shall be taken to insure their safe-keeping.

## II. TREATMENT OF PRISONERS OF WAR.

### 1. General Provisions.

#### ARTICLE 23.

The treatment of prisoners of war shall follow the principles laid down in international agreements. In particular they are to be protected from acts of violence, ill-treatment, cruelties, personal insults and from public curiosity, and are to be treated humanely. Instructions to this effect shall be given to the authorities entrusted with the care of prisoners of war.

Officer prisoners of war shall be treated with the courtesy and consideration which their rank and grade require.

#### ARTICLE 24.

Prisoners of war shall not be quartered nor worked with nor treated as criminals except as punishment for crime of which they have been convicted by due process of law.

#### ARTICLE 25.

Compulsory measures of any kind to make prisoners of war give information about their army, navy, or State, or about those of their cobelligerents, are strictly forbidden. Prisoners of war who decline to give information shall neither be threatened nor insulted, nor exposed to any other treatment which will put them in a position less favorable than other prisoners of war.

#### ARTICLE 26.

In general, prisoners of war shall be allowed to talk with one another.

#### ARTICLE 27.

Prisoners of war shall be permitted to retain the clothing necessary for their personal use provided that no objections exist on hygienic grounds.

#### ARTICLE 28.

Prisoners of war shall not be deprived of their money except on command of an officer, and then only when conditions permit a proper receipt to be given. Their paper and silver money may not be changed without their consent, and if changed it shall be only at the fixed rate of one mark for one franc or six marks for one dollar.

Money taken from a prisoner of war must be credited to him and a receipt given therefor.

Objects of value, such as rings, watches, cigar and cigarette cases, etc., as well as insignia of rank and decorations, may not be taken from prisoners of war.

The confiscation of personal papers belonging to prisoners of war is strictly forbidden. The Captor State may make a copy of

such papers, in which case the papers must be given back within two weeks at the latest.

#### ARTICLE 29.

Dogs shall not be used as guards in the interior of prison camps nor in guarding working or exercise detachments, unless they are in leash or are securely muzzled. Unmuzzled dogs shall under no circumstances be used in tracking down escape prisoners of war.

#### ARTICLE 30.

Prisoners of war shall accord to the members of the armed forces of the Captor State its prescribed military courtesies. Regulations in the language of the State of Origin prescribing such courtesies shall be kept posted in a conspicuous place, accessible to the prisoners of war, and no prisoner of war shall be punished for failing to accord any military courtesy not specified in the regulations so posted.

#### ARTICLE 31.

All female personnel serving with the armed forces of either of the Contracting Parties, shall, if captured, be given every possible protection against harsh treatment, insult or any manifestation of disrespect in any way related to their sex. They shall be suitably and decently quartered, and provided with lavatories, bathing facilities, and other similar necessities quite separate from those provided for males.

#### 2. Protection After Capture.

#### ARTICLE 32.

Prisoners of war shall be sent back as soon as possible after capture to collecting camps, which shall be at least 30 kilometers from the front line of the Captor State. In no case shall prisoners of war be kept nearer to the front line than 30 kilometers, unless on account of wounds or sickness they would incur greater danger by being moved than by remaining.

Seriously wounded prisoners of war shall be given competent medical care without delay, and as soon as circumstances permit shall be removed to a hospital.

#### ARTICLE 33.

In so far as practicable prisoners of war shall be grouped in camps, working detachments, and quarters with prisoners of war of the same State of Origin; and prisoners of war other than officers shall, whenever possible, be assigned to a camp containing at least 100 men from their own State of Origin.

Every prisoner of war not an officer shall be assigned to a prisoner of war camp having a Camp Help Committee composed of prisoners of war of his own State of Origin, and he shall be informed of this assignment.

#### ARTICLE 34.

Special camps for noncommissioned officers shall not be established.

**3. Notification of Capture.****ARTICLE 35.**

The name, individual number, rank or rating, and military or naval organization of every prisoner of war shall be notified within one month of capture to the competent authorities of the Captor State and be transmitted as soon as possible to the State of Origin.

**ARTICLE 36.**

The Contracting Parties will do all in their power to insure that news in regard to the location of prisoners of war or missing belligerents shall be telegraphed to the State of Origin through the intermediary of the designated Relief Societies.

The following are the designated Relief Societies:

- (a) For the United States of America: American Red Cross, Berne, Switzerland.
- (b) For Germany: The Frankfort Red Cross, Committee for German Prisoners of War, Telegraphic Address: Gefangenenhilfe-Frankfurtmain.

**ARTICLE 37.**

Prisoners of war may send to their families within one week after capture a printed post card containing the news of their capture and information regarding their state of health.

Prisoners of war may within three days after assignment to a prison camp communicate to their families by means of a printed post card the address at which letters, post cards, remittances and parcels may be sent them. This provision shall also apply to all cases where prisoners of war are transferred from one prison camp to another.

The communications mentioned in the two preceding paragraphs, for which the necessary writing material is to be furnished to prisoners of war by the Captor State, shall be forwarded as quickly as possible and without delay; they shall not be counted in the authorized maximum of letters and post cards.

In the case of American prisoners of war these communications shall be addressed in care of the American Red Cross, Berne, Switzerland.

**4. Equipment and Organization of Camps.****ARTICLE 38.**

Quarters provided for troops of the Captor State shall form in hygienic as well as other respects the standard for the housing of prisoners of war in prisoner of war camps. The points mentioned in Annex 2 in regard to camps for officers and in Annex 3 in regard to camps for prisoners other than officers represent minimum requirements below which equipment and organization in the camps shall not fall. To whatever extent local conditions allow, the minimum requirements prescribed for main camps for prisoners other than officers shall be applicable to working detachments; and in all instances irrespective of local or other conditions the minimum requirements as to clothing, equipment and blankets, as stipulated in Annex 3, shall at least be met.

Prisoners of war shall be protected against the inclemencies of the weather to the same extent as members of the armed forces of the Captor State.

**ARTICLE 39.**

The minimum requirements must be fulfilled within three months at most after this agreement goes into force, unless new buildings or changes in buildings are necessary. In such cases a further delay of six weeks is permissible.

**ARTICLE 40.**

In camps for officers, the senior officer prisoner of war, and in camps for prisoners of war other than officers, the senior in rank on the Camp Help Committee, shall have the right to inform the diplomatic representative of the Protecting Power as to whether the minimum requirements have actually been complied with. This information may be given at any time after the expiration of the period for which provision is made in Article 39.

The reports shall be handed to the Camp Commandant and shall be forwarded by the latter through official channels to the diplomatic representative of the Protecting Power, together with such comments as appear appropriate and necessary.

If the Camp Commandant considers the report unfounded, the Government of the Captor State shall request the diplomatic representative of the Protecting Power to send a delegate to the camp immediately. The report of such delegate is to be communicated to the Governments of the Captor State and of the State of Origin.

**5. Work.****ARTICLE 41.**

The Captor State may utilize the labor of prisoners of war, officer prisoners of war excepted, according to their grade and rating, aptitude, and physical ability.

**ARTICLE 42.**

Prisoners of war shall neither be required to perform, nor by menaces, threats or force coerced into volunteering to perform, any work directly related to the operations of the war.

Neither Contracting Parties shall utilize prisoners of war of the other for work in mines, marshes, munition factories or for dangerous work in quarries.

**ARTICLE 43.**

Prisoners of war may be employed only at a distance of at least thirty kilometers from the front line of the Captor State.

**ARTICLE 44.**

Prisoners of war subject to compulsory work under the provisions of this agreement may be required to work for the public service of the Captor State, or for private persons or private corporate interests, or they may be authorized to work on their own account.

All work performed by prisoners of war shall be under the supervision of the Captor State. The Captor State shall retain full obligation and responsibility for the proper care, maintenance, pay and treatment of all prisoners of war who may be hired out to work for private persons or private corporate interests.

**ARTICLE 45.**

Prisoners of war shall not be worked longer hours than the civil population engaged in similar work in the same locality and except in cases of emergency the working day shall not be longer than ten hours, including whatever time is consumed in passing to and from work.

An interval of one hour, which will not be counted as working time, shall be allowed for the midday meal. Adequate time and opportunity for attending to calls of nature shall be given.

**ARTICLE 46.**

Prisoners of war who work shall be allowed one full day's rest of 24 hours in each seven days; this rest day shall be the calendar Sunday whenever practicable. When, however, emergency conditions require work on Sunday, the day of rest shall be accorded as soon as practicable thereafter and in no event shall the interval between successive rest days be longer than nine days nor shall there be more than one such nine-day interval in each 30 days.

**ARTICLE 47.**

When prisoners of war, from the nature of their work, are exposed to special dangers or sickness, special preventive measures shall be taken.

**ARTICLE 48.**

Prisoners of war shall be classified by the attending medical officer according to their ability to work without injury to their health in the following categories:

- (a) heavy work,
- (b) light work,
- (c) no physical work,
- (d) sick—no work.

Classified lists, certified by the medical officer, shall be kept by the camp authorities. Where circumstances require, as for instance transfer from one camp to another, prisoners of war shall be accompanied by a certificate showing their classification for work.

**ARTICLE 49.**

The following prisoners of war are exempted from all forms of compulsory work:

- (a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;
- (b) "Offizier-Stellvertreter" and "Beamtenstellvertreter" and "Faehnriche" of the German army and navy, "Deckoffiziere," "Vice-Deckoffiziere," and "Hilfs-Deckoffiziere" of the Germany navy.

**ARTICLE 50.**

American noncommissioned officers and naval petty officers and German Unteroffiziere and Offiziersanwaerter, except those mentioned in Article 49, are exempted from compulsory work, except:

- (a) For the supervision of prisoners of war of their own armed forces while at work.
- (b) For checking and distributing mail matter and packages.
- (c) For clerical work.

(d) For work which is absolutely necessary for the maintenance of the camp or the prisoners of war (e. g., work in gardens or kitchens) as far as this work is compatible with the dignity of their rank and is entirely within the enclosure of the camp.

In no case, however, shall noncommissioned officers be used for menial or dirty work, such as the loading and transport of coal, or the cleaning of streets or latrines.

#### ARTICLE 51.

Prisoners of war shall receive no compensation for work done for their own benefit or in connection with the maintenance or administration of their camp, their quarters, or their work shop. Other work for the Captor State shall be paid for at a daily rate of not less than 50 Pfennigs or 12½ Cents nor more than 2 Marks or 50 Cents.

Prisoners of war shall be paid for work done in industrial occupations for private persons or firms at the same rate as industrial workers in the same locality for the same sort of work. Of the wages earned in this manner 25 to 50 Cents or 1 Mark to 2 Marks per day shall be credited to the prisoner of war concerned. The remainder shall be retained by the Captor State. Prisoners of war engaged in agricultural labor shall receive a daily wage of 50 Pfennigs or 12½ Cents, which shall be credited to them without any deduction.

No deductions for maintenance shall be made from the net portion of their earnings, but the full amount shall be credited to the prisoners of war and placed at their disposal for the purchase, in accordance with camp regulations of articles needed by them.

The net balance remaining to the credit of prisoners of war shall be paid them upon their internment in a neutral country or upon their repatriation; in case of death of a prisoner of war this balance shall be paid to the diplomatic representative of the Protecting Power for the benefit of the legal heirs of the deceased.

#### 6. Rations.

#### ARTICLE 52.

It is the obligation of the Captor State to provide prisoners of war under its charge with such quantity and quality of wholesome food, especially of meat and vegetables, as is necessary to maintain unimpaired their normal physical health and working capacity. In general the ration served to prisoners of war shall be equal in amount, quality and nutritive value to that served to the armed forces of the Captor State when in barracks or in cantonments.

The food value of their daily ration shall not fall below a minimum of

- 2,000 calories for nonworkers,
- 2,500 calories for ordinary workers,
- 2,850 calories for heavy workers.

The daily ration of bread shall in no case be less than 250 grams, and in the case of ordinary workers this ration shall be increased by the addition of 100 grams; and in the case of heavy workers by the addition of 150 grams of bread or other cereals; furthermore each prisoner of war's daily food ration shall contain amounts of fresh vegetables, fresh meat, and animal fat not less than those furnished to the guards at the same camp or place of detention.

All food furnished shall be sound and wholesome and shall have been handled in a proper manner.

An abundant supply of safely potable water, amounting to at least 3 litres per man per day shall be provided for drinking purposes for all prisoners of war.

#### ARTICLE 53.

Officer prisoners of war shall be permitted and, as far as possible encouraged to manage their own messes; and at their request the rations furnished by the Captor State shall be delivered to them uncooked.

Prisoners of war shall be permitted to utilize the food contents of their parcels in common as additional ration. The necessary facilities for this shall be arranged with Camp Commandant by a committee chosen by the officers in officer camps, and by the Camp Help Committee in camps for prisoners of war other than officers.

#### ARTICLE 54.

Menus specifying the weight of each article provided per man per day shall be posted daily and shall at all times be accessible to the delegate of the Protecting Power.

#### ARTICLE 55.

Prisoners of war shall be allowed at all times to obtain hot water at a reasonable price, not to exceed 5 centimes or 5 pfennigs for 2 litres.

#### ARTICLE 56.

Camp Help Committees shall be given a hearing in cases of complaints made by prisoners of war about their food.

#### ARTICLE 57.

In camps where there are prisoners of war of different States of Origin, the Camp Commandant shall, as far as possible, permit the cooking for the prisoners of war to be done by cooks of their State of Origin.

The camp cooks shall be permitted to prepare the food according to the taste of the prisoners of war.

#### ARTICLE 58.

When necessary for the preparation of the contents of packages, special kitchen facilities and fuel shall be furnished prisoners of war by the Captor State. Members of the Camp Help Committee shall be permitted to enter the kitchens.

#### ARTICLE 59.

In all camps for prisoners of war canteens shall be maintained in which prisoners may buy at reasonable prices currently obtainable food and articles of daily use. Camp Help Committees shall cooperate in the management of the canteens. Price lists of articles for sale, in the language of the prisoners of war, shall be kept posted in a conspicuous place. The profits made may be used only for the benefit of the prisoners of war.

## 7. Walks.

## ARTICLE 60.

All officers, noncommissioned officers, and men not employed on work outside the camp enclosure shall be permitted to take weekly walks of not less than two hours under military supervision outside the camp enclosure. If the prisoners of war so desire and local conditions permit, these walks shall be taken to a point at least four kilometers distant from the camp.

For this purpose officer prisoners of war shall give their paroles not to make or prepare an attempt to escape during the walks, nor to do anything during this time which may be directed against the Captor State, its allies or cobelligerents. Such paroles shall be binding only for the duration of the walk for which given and on such conditions military supervision will be limited to conducting the walks.

## 8. Intellectual Occupation and Divine Services.

## ARTICLE 61.

Prisoners of war shall be given as much opportunity as possible for intellectual occupation and development. For this purpose it is agreed as follows:

(a) In every main camp, and as far as possible in every working detachment, a reading and workroom sufficiently lighted and heated shall be provided and put at the disposal of the prisoners of war.

(b) Properly qualified prisoners of war may give educational courses and lectures which shall be so arranged as not to interfere with the work of the prisoners of war.

(c) The formation of camp libraries is to be encouraged in every way. Prisoners of war may have such newspapers of the Captor State or of its cobelligerents as the former may choose. Prisoners of war in working detachments shall be given every opportunity to make use of the libraries of the main camps. The exchange of books between the various camps, shall be accomplished through the military authorities. The use of text books, dictionaries and bound books shall be permitted.

(d) Prisoners of war charged with giving educational courses or lectures and the management of libraries are to be exempt from work in the camps and are to be transferred to another camp only in cases of urgent necessity.

(e) As far as possible, prisoners of war shall be permitted to complete the courses they are attending.

(f) Prisoners of war shall be given opportunities to arrange and give musical and theatrical performances and similar entertainments.

## ARTICLE 62.

Prisoners of war shall enjoy complete liberty in the exercise of whatever religion they may profess.

Chaplains pending repatriation under Article 140, shall be allowed to perform their religious and professional duties among the prisoners of war. Similar opportunities shall be given to prisoners of war who are ministers of religion and they shall be exempted from such work as will interfere with their religious duties.

## 9. Medical Treatment.

## ARTICLE 63.

Prisoners of war shall be given the same medical and dental care and treatment and diet as are provided by the Captor State for sick of like grades in its own armed forces.

In case of a shortage of military doctors competent civilian doctors shall be provided.

The services of such prisoners of war as are dentists and are not repatriated as members of the Sanitary Personnel, shall be utilized.

In no case shall any charge be made against a prisoner of war for medical or dental treatment, or supplies or anaesthetics.

## ARTICLE 64.

Prisoners of war shall be protected against sickness to the same extent as the nationals of the Captor State; and especially against those diseases that are conveyed by infection through the respiratory and the alimentary tracts, by transmission through the agency of insects, by contact, and by poisons, etc.

## ARTICLE 65.

Artificial limbs, sticks, crutches, false teeth and all other surgical and medical appliances necessary for the well-being of prisoners of war shall be furnished by the Captor State, reimbursement therefor to be made by the State of Origin. Such further appliances as may be furnished to prisoners of war by the representative of the Protecting Power shall not be withheld by the Captor State.

## ARTICLE 66.

If the Captor State is unable to furnish any of the medicines or medical supplies necessary for the treatment of the sick or wounded prisoners of war, it shall notify the Protecting Power, and shall allow such medical supplies to be furnished and shall expedite their transportation and delivery to the Camp Help Committees at the camps for which they are requested.

The same applies to articles of specified kinds whose delivery has been recommended by the Travelling Commissions, or by a delegate of the Protecting Power. The distribution of these articles among the prisoners of war in any main camp and in the working detachments belonging thereto shall be made through the Camp Help Committee of the camp and under the direction of the camp doctor.

## ARTICLE 67.

In every prisoner of war camp a sick call shall be held daily at a specified hour in the presence of a medical officer at which prisoners of war may attend and receive medical attention from him.

## ARTICLE 68.

Prisoners of war other than officers shall be detailed as orderly assistants to the medical officers of the camps in the proportion of not less than one for every one hundred prisoners of war in the camp, but there shall not be less than two such orderlies in any camp. Such orderlies shall perform no other duties.

**ARTICLE 69.**

In hospitals, correspondence and parcels shall be delivered without delay, but the use of the contents of the letter shall be under the control of the medical officer in charge.

**10. Punishment for Prisoners of War.****ARTICLE 70.**

Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Captor State, except as otherwise expressly provided in this Agreement.

**ARTICLE 71.**

All proceedings against prisoners of war whether before military or civil tribunals shall be accelerated as much as the ends of justice demand and the nature of the case permits.

**ARTICLE 72.**

No punishments other than those provided by the laws of the Captor State for the personnel of its own armed forces shall be inflicted upon prisoners of war by the military authorities, or military tribunals.

**ARTICLE 73.**

For refusal to work and other infractions of discipline suitable and adequate punishment may be inflicted upon guilty prisoners of war by the camp authorities or by the military tribunals, as the case may be. In no case, however, shall the punishment inflicted be more severe in nature or degree than the punishment legally assignable to a member of the armed forces of the Captor State for the same or like offense.

**ARTICLE 74.**

Punishments which may be inflicted by a Camp Commandant or under military authority other than the tribunals established pursuant to law shall be limited to the following:

(a) For Officers: Deprivation of privileges; retention of pay; reprimand; confinement to room.

(b) For noncommissioned officers, petty officers and men: Deprivation of privileges; retention of working pay; assignment to fatigue, and extra duties in addition to routine work by roster; confinement in a cell.

The pay of officers and the working pay of noncommissioned officers and men so retained as a measure of disciplinary punishment shall be credited to their respective accounts and shall be paid to them upon their release from the status of prisoner of war. Under all circumstances the necessary money to pay their mess bills shall be allowed to officer prisoners of war.

**ARTICLE 75.**

Physical violence or maltreatment, either mental or physical, shall neither be inflicted as a disciplinary punishment nor permitted to a subordinate as extra-legal measures of punishment or suppression of prisoners of war. The right is expressly reserved to the authorities of the Captor State, however, to take such measures

as may be indispensable for the suppression of riot or concerted or group insubordination or mutiny on the part of prisoners of war, such measures to be always within the bounds of humanity.

Prisoners of war shall not be subjected to extreme heat or cold.

Marching with full equipment and other aggravations of punishments are forbidden.

#### ARTICLE 76.

Immediately after charges calling for a trial before a court are preferred against a prisoner, the Captor State shall notify the Protecting Power thereof. This notification shall be at least three weeks before the day set for the trial and shall contain:

(a) The full name and rank of the prisoner of war.

(b) The location of the prisoner of war or his place of detention.

(c) A short statement of the criminal act charged, accompanied by a statement of its legal consequences.

(d) The name of the tribunal before which he will be tried with exact information regarding the place and date of trial, including the street and number of the premises where the trial is to take place.

The notification provided for in the preceding paragraph may be omitted in cases before inferior courts provided the authorized limit of punishment for the offense with which the prisoner of war is charged does not exceed confinement for a period of three months.

#### ARTICLE 77.

In the cases mentioned in Article 76 as requiring formal notification of the Protecting Power, the accused prisoner of war shall have the right, unless prohibited by law, to be represented by legal counsel able to speak his own language; of which right he shall be definitely informed by the Captor State reasonably in advance of trial. The Protecting Power shall have the right to appoint counsel for the accused. In such cases and in all other cases where counsel is required by law or appears essential, the Captor State shall furnish the Protecting Power a list of the persons who may act as counsel, and shall notify the latter that counsel will be selected therefrom unless the Protecting Power shall have chosen counsel two weeks after receipt of this list.

In all cases where formal notification is not required the accused shall be assisted in defence by counsel whenever reasonable and compatible with law; otherwise he shall be assisted by an interpreter.

The right of the accused freely to consult with his counsel shall not be denied nor unreasonably abridged.

The representative of the Protecting Power shall have the right to send a representative to attend the public sessions of the trial even though it shall not have designated a counsel to represent the accused as aforesaid.

#### ARTICLE 78.

The accused shall not be compelled to be a witness against himself, but he may, if he wishes, present to the tribunal arguments, either oral or written, in support of his cause.

With a view to shortening the time of confinement awaiting trial, the judicial proceedings shall be expedited. The period of confinement awaiting trial may be considered in whole or in part in imposing sentence.

**ARTICLE 79.**

Any sentences unexpired at the time this agreement goes into effect in excess of the limitations therein imposed shall be at once remitted.

**ARTICLE 80.**

A prisoner of war shall have the same right of appeal to higher authority, judicial or executive, as that possessed by members of the armed forces of the Captor State in similar cases.

**ARTICLE 81.**

In cases in which the death sentence is imposed by a military tribunal upon a prisoner of war, a statement showing in detail the character and circumstances of the offense shall be promptly communicated to the Protecting Power for transmission to the State of Origin of the prisoner of war concerned, and the execution of the sentence shall be delayed for a period of at least three months counting from the date of this communication. Such sentences may be pronounced only by tribunals of the same kind and following the same procedure as in corresponding cases for members of the armed forces of the Captor State. The accused shall have the specific right to be represented in the trial by counsel to the same extent as members of the armed forces of the Captor State.

The delay in the execution of the sentence provided in paragraph one of this Article is not applicable in those cases in which the death sentence is imposed for the offense of murder or attempted murder committed in the zone of operations.

**ARTICLE 82.**

The length of sentence to confinement in a cell or confinement in a room which may be imposed by a Camp Commandant or under military authority other than the tribunals established pursuant to law, shall not exceed thirty (30) days for any single offense.

If the total of several such consecutive sentences exceeds thirty (30) days, an interval of one week, during which no punishment shall be inflicted, shall follow each thirty (30) days confinement in a cell.

**ARTICLE 83.**

The duration of the punishment for a simple attempt to escape on the part of prisoners of war, even if repeated, shall not exceed military confinement for a period of fourteen days, and if made in concert with other prisoners, a period of twenty-eight days.

The duration of the punishment for such an attempt to escape, combined with other punishments for acts consequent upon, or incident to such attempt, in respect of property, whether in relation to the appropriation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months.

The foregoing provisions shall apply to attempts to escape from detention of any description in the same manner as they apply to attempts to escape from ordinary camps.

Prisoners of war recaptured after an attempt to escape shall not be subjected to any unnecessary harshness. Any insult or injury to such prisoners of war shall be severely punished. They shall be protected from violence of every kind. Officer prisoners

of war recaptured after an attempt to escape shall continue to be treated in a manner suitable to their grade.

#### ARTICLE 84.

Collective punishments or deprivations of privileges on account of the misconduct of individuals are forbidden. Those collective punishments are especially forbidden through which prisoners of war lose their right to receive their mail and to send the allowed number of letters and postcards. In the case of individuals such a prohibition may be imposed as a punishment but shall not exceed two weeks. The prisoner of war has in this case the right to notify his family of this stoppage of correspondence before it goes into effect.

#### ARTICLE 85.

Punishments which are served in the prisoner of war camps and military prisons shall be carried out under the conditions provided in Annexes 4 and 5 of this agreement; otherwise, in the absence of specific provisions, prisoners of war undergoing punishment shall be treated as other prisoners of war.

Prisoners of war undergoing confinement in places removed from the camps shall be permitted to receive four parcels a month and to use the food contents of these parcels, except upon the days when they are placed on bread and water diet. Adequate cooking facilities and fuel shall be provided for them.

#### ARTICLE 86.

At their request prisoners of war in close confinement shall be permitted to attend the daily sick call as provided for in Article 67, and they shall receive such medical attention and treatment as, in the opinion of the attending medical officer, they may require, including removal to hospital when necessary.

#### ARTICLE 87.

The provisions of this agreement shall not apply to prisoners of war who through acts of individual misconduct against the law of the land have passed from the control of the military to that of the civil authorities.

### 11. Deaths and Accidents.

#### ARTICLE 88.

Officially stamped or otherwise authenticated certificates of deaths occurring among prisoners of war shall be executed without delay and transmitted to the diplomatic representative of the Protecting Power.

The representative of the Protecting Power shall be notified as quickly as possible of deaths by violence, and shall be informed as to the particulars.

#### ARTICLE 89.

The property of deceased prisoners of war, including identification tags, pay books and other personal papers, shall be despatched by the Government of the Captor State to the State of Origin.



**AMERICAN CAMP HELP COMMITTEE AT BRANDENBURG**  
Chief Gunner's Mate James Delaney, President of the Committee, in Chief Petty Officer's Uniform. This picture was taken in the Prison Camp

Courtesy of Carl P. Dennett from **Prisoners of the Great War.**

**ARTICLE 90.**

The Contracting Parties shall provide and maintain proper burial places for prisoners of war of the other party who are killed or die while in captivity. Available information regarding the identity of the deceased shall be marked in a clear manner on the grave, and the location of graves shall be reported without delay to the State of Origin.

Deceased prisoners of war shall be accorded the same honors at burial as are accorded to persons of the same rank or rating in the armed forces of the Captor State.

**ARTICLE 91.**

Each Government shall take measures that information regarding the death or whereabouts of missing nationals of the other party be gathered and forwarded as rapidly as possible to the State of Origin.

**ARTICLE 92.**

A statement shall be immediately prepared concerning all accidents to prisoners of war, to which a brief medical report must be appended. In such cases the prisoner of war shall be furnished a certificate by the Camp Commandant, stating the nature of the injury. The certificate shall be deposited with the papers of the prisoner of war and shall be handed him on his discharge or, in case of internment in a neutral country, shall be transmitted for safe keeping to the government of this neutral country and be given him on his repatriation.

**12. Exchange of Powers of Attorney and Wills.****ARTICLE 93.**

Prisoners of war shall be permitted to execute and have attested, in accordance with special regulations to be issued on the subject by the Captor State, powers of attorney and wills, which may be written in their own handwriting or sent them from their States of Origin, or drawn up for them in the camp by third parties. The camp authorities shall be responsible for forwarding such papers as quickly as possible to the diplomatic representative of the Protecting Power.

**13. Help Committees.****ARTICLE 94.**

A Camp Help Committee freely chosen by the prisoners of war shall be formed in each camp, including quarantine and distributing camps. This choice is subject to the approval of the Camp Commandant.

Camp Help Committees shall consist of at least:

- 1 member in camps of from 1 to 50 men.
- 2 members in camps of from 51 to 100 men.
- 3 members in camps of from 101 to 500 men.
- 5 members in camps of from 501 to 1,000 men.

In camps of more than 1,000 men there shall be one representative for every additional 500 men. In computing the membership of Camp Help Committees, the prisoners assigned or attached

to a camp shall be counted even though they be absent from camp. Similarly in every working detachment representatives in the same ratio as provided above shall be chosen to be the correspondent or correspondents of the Camp Help Committee of the camp to which the working detachment is assigned.

In each hospital having ten or more prisoners of war of the same State of Origin representatives may be chosen in the proportion prescribed above for working detachments. Their duties and privileges shall be the same as those prescribed in this agreement for the representatives of working detachments.

#### ARTICLE 95.

Camp Help Committees and representatives besides exercising the functions enumerated elsewhere in this agreement, shall cooperate with the camp authorities in all matters relating to prisoners of war, such as foundation of libraries and provision of educational facilities; organization of amusements; registration of complaints lodged by prisoners of war; receipt, registration, and distribution of gifts and of relief to prisoners of war wherever located; cooperation with the authorized relief societies and with the Protecting Power; distribution of contents of parcels of deceased prisoners of war and management of postal operations.

#### ARTICLE 96.

Camp Help Committees shall be allowed each week to copy the current lists of prisoners of war undergoing medical treatment and to transmit the same to the designated relief societies.

#### ARTICLE 97.

Camp Help Committees may correspond in matters relating to their duties freely and directly with their representatives, with the diplomatic representative of the Protecting Power, with the designated relief societies and with absent prisoners of war belonging to their Camp who have no representative.

The correspondence of the Camp Help Committee referred to in the preceding paragraph shall be subject to censorship by the camp authorities. Communications which contain requests or complaints and which are addressed to the diplomatic representative of the Protecting Power shall be handed over to the Camp Commandant, who shall immediately transmit them through official channels. Such communications may be withheld only when they contain wilfully false statements or are written in improper language. The decision to withhold them rests exclusively with the Ministry of War; in the case of German prisoners of war in Europe, with the Headquarters of the American Expeditionary Forces. In case a letter is withheld, the writer and the diplomatic representative of the Protecting Power must be informed of the fact and the reasons.

The competent military authorities in forwarding these communications will endorse thereon their remarks in order that the representative of the Protecting Power can upon their receipt form an opinion as to the statements contained therein.

Copies or abstracts of letters sent by the Camp Help Committees shall be kept by them and shown upon request to the representative of the Protecting Power and to the prisoners of war of their State of Origin.

**ARTICLE 98.**

Camp Help Committees shall draw up under the supervision of Camp Commandants lists of prisoners of war who have had no news of their families for at least three months. These lists shall contain the names of the prisoners of war, the addresses of the families and brief communications or enquiries limited to 20 words in telegraphic style. These lists shall be sent to the Red Cross Societies of the respective State of Origin mentioned in Article 36, which shall attend to forwarding the answers of the families as quickly as possible.

**ARTICLE 99.**

Camp Help Committees, composed of prisoners of war of either of the Contracting Parties, may render, from supplies at their disposal, assistance to prisoners of war of other States of Origin within the same camp. Reciprocally prisoners of war of the two Contracting Parties may receive similar assistance from the Committees composed of the prisoners of war of other States of Origin.

**ARTICLE 100.**

Members of Camp Help Committees and their representatives in working detachments shall not be required to perform any work which interferes with their duties as such. They shall not be transferred from one camp to another except for urgent reasons; and then only after they shall have been given opportunity to arrange their affairs in a businesslike manner and to transfer to their successors the property and accounts in their care.

**ARTICLE 101.**

Suitable offices and storerooms shall be provided for the use of Camp Help Committees. These storerooms shall be fitted with two locks, the keys of one to be kept by the Camp Help Committee, those of the other by the Camp Commandant.

**ARTICLE 102.**

Packing boxes or materials used in transporting supplies to prisoners of war which are not the property of individual prisoners of war shall become the property of the Camp Help Committee for use in repacking or other purposes; until then they remain in the custody of the Camp Authorities.

**14. Correspondence and Parcels.****ARTICLE 103.**

Special attention shall be given to the rapid forwarding of the correspondence of prisoners of war, especially overseas correspondence. Camp Commandants and commanders of working detachments shall be instructed accordingly.

The incoming mail for prisoners of war shall be distributed without delay. The despatch of accepted letters and post cards shall not be delayed longer than ten days. Exceptions shall be permitted only as provided for by Article 84.

## ARTICLE 104.

Letters, post cards, parcels, money and valuables sent to prisoners of war, and letters and post cards sent by prisoners of war shall not be subject to charges for postage, delivery, duties, storage or to any other charges, either in the country of mailing or destination.

Similarly, articles sent to prisoners of war as gifts or as relief shipments, either in bulk or in collective consignments, shall be free from all custom duties, freight charges and other dues or charges.

## ARTICLE 105.

Prisoners of war shall be permitted to send two letters and four post cards each month. Letters of officers shall not exceed six pages, and letters of those of other ranks or ratings shall not exceed four pages.

The letters and post cards shall be legibly written in black ink or in soft black lead pencil and, except with the permission of the Commandant, must be in English, French, or German. Letters and post cards must be addressed specifically to a person, firm, or corporation, by name, and not to a mere post office or accommodation address.

## ARTICLE 106.

Correspondence of prisoners of war must not contain information regarding the political or military situation, or other information detrimental to the safety of the Captor State. Enclosures may be permitted provided they accord with the sense of this Article, it being recognized, however, that such enclosures may result in a delay in the despatch of the letter.

Correspondence of prisoners of war which violates the provisions of this agreement shall be returned to the writer, unless required as evidence in judicial or disciplinary proceedings, and shall be counted in the authorized maximum of letters and post cards.

## ARTICLE 107.

Prisoners of war may receive and answer enquiries from recognized relief societies and information bureaus in regard to the location of missing members of the armed forces; the answers are not to be counted in the authorized maximum of letters and post cards.

## ARTICLE 108.

Prisoners of war shall be allowed to receive an unlimited number of parcels; those sent by mail shall not weigh more than seven kilograms each. Commandants of Camps and working detachments are forbidden to withhold parcels, except in the cases specifically provided for in this agreement.

## ARTICLE 109.

The sending of books and pamphlets, as well as bulk shipments of writing paper and blank books, shall be allowed subject to examination. Books may be bound.

**ARTICLE 110.**

Parcels addressed to individuals may be despatched in collective consignments when packed in such a manner as to be transported by ship and by rail without difficulty.

Individual parcels without specified recipients may also be dispatched in collective consignments addressed to the Camp Help Committees of the main camps. These Committees may distribute the parcels to their representatives or other Camp Help Committees. Such parcels must be clearly marked as follows:

"For distribution to prisoners of war who receive no parcels."

If an addressee be deceased, the contents of his parcels shall be distributed among the prisoners of war by the Camp Help Committee.

**ARTICLE 111.**

The parcels shall be handed out immediately or, if preferred by the prisoners of war, only when asked for.

The parcels shall be handled so as to prevent injury, and shall be examined only once, and then in the presence of the addressee or of some one designated by him. The containers of perishable foodstuffs shall be kept intact until the contents are needed for consumption.

**ARTICLE 112.**

Every recipient of a parcel shall be permitted to despatch to the sender a printed post card containing only an acknowledgement of the receipt and an itemized statement of the contents and of the condition thereof at the time of the receipt. In case printed forms for this purpose are not at hand, the receipt may be written but must not contain other information than the printed form. This post card shall not be counted in the authorized maximum of letters and post cards.

The printed post cards or printed lists, enclosed in parcels or bulk shipments stating the contents, shall always be delivered to the addressee. They shall be checked against the contents in the presence of the addressee or his representative.

**ARTICLE 113.**

The packings, tin containers and boxes shall remain the property of the prisoner of war, but they shall be stored by the camp authorities until required for use.

**ARTICLE 114.**

Camp Help Committees shall be allowed to make lists of all parcels sent to the working detachments that are attached to their main camp and lists of the contents of each parcel; these lists shall accompany the parcels.

**ARTICLE 115.**

Camp Help Committees shall be permitted to make claims for loss of parcels or of their contents, or for damage thereto, for all prisoners of war in their camps or attached thereto.

**ARTICLE 116.**

Prisoners of war shall be permitted to transmit to their dependents funds in their possession at the time of capture, or paid to them by the Captor State.

Domestic money orders, when permitted, shall be subject to the ordinary fees.

**ARTICLE 117.**

All foreign postal traffic under this arrangement shall, with the consent of the Swiss Government, be through its postal service.

**15. Communication with the Protecting Power.****ARTICLE 118.**

Prisoners of war may at all times communicate in writing to the diplomatic representative of the Protecting Power requests or complaints concerning treatment or conditions in their camp, or matters of purely personal interest; or may present such statements verbally to a delegate of the Protecting Power.

In main camps such written communications shall be presented to the Camp Help Committees, and in working detachments to the representatives of the detachment, to be transmitted to the Camp Help Committee of the main camp. The Camp Help Committee, after having made notations on the communication if such are necessary, shall forward it to the Camp Commandant, who shall in turn transmit it without delay through official channels to the representative of the Protecting Power.

Further action shall be in accordance with the provisions of Article 97, paragraphs 2 and 3.

**ARTICLE 119.**

The communications addressed to the diplomatic representative of the Protecting Power shall not be counted in the authorized maximum of letters and postcards. In no case shall written communications addressed by prisoners of war to the Camp Commandant and intended only for him be counted in the authorized maximum of letters and postcards.

**ARTICLE 120.**

Prisoners of war may be punished on account of complaints sent by them to the Protecting Power only when they contain intentionally insulting statements or intentionally false accusations. Punishment may be inflicted only by sentence of a court or with the approval of the Ministry of War; in the case of German prisoners held in Europe with the approval of the Commander-in-Chief of the American Expeditionary Forces.

**16. Visits of Inspection by Delegates of the Protecting Power.****ARTICLE 121.**

The diplomatic representative of the Protecting Power shall present for approval by the Captor State a list of the delegates for whom are desired permits to inspect prisoners of war and the places where they are confined.

Each accepted delegate shall be given a permit authorizing him to inspect the prisoners of war and their places of confinement, subject to the conditions attached thereto. These permits may be cancelled or recalled at any time.

#### ARTICLE 122.

The following regulations shall apply to the visits mentioned in Article 121:

(a) The authorized delegate of the Protecting Power may visit all places where prisoners of war of the State whose interests he is protecting are kept. When such visits are to be made in zones barred for military reasons, arrangements therefor compatible with military necessities shall be made immediately by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall be permanently removed to territory accessible to the delegate.

(b) The visits of the delegate of the Protecting Power may be without notice and without restriction except as follows:

Camps under quarantine and contagious wards of hospitals may be visited only with the consent of the medical officer in charge. Penitentiaries and prisons may be visited only with the consent of competent superior authority.

Permission to visit shops or other places where members of working detachments are employed may only be refused by competent superior authority when such visit would in his opinion be incompatible with the safety of the State or with rules established for the preservation of trade secrets. The foregoing shall in no way curtail the right of the delegate of the Protecting Power to visit the working detachment camp and to interview its members. When the above restriction makes it necessary, prisoners of war shall be brought for the purpose of the interview to a place accessible to the delegate.

(c) On arrival a delegate must first present his permit to the proper authorities for verification.

(d) An officer, or, if none is available, some other military escort shall be detailed by the Commandant to accompany the delegate on his tour of inspection. Upon the wish of the delegate the ranking prisoner of war may also be detailed to accompany him.

(e) The delegate shall have the right at all times to speak to prisoners of war except those who are awaiting trial, without witnesses and outside the hearing of any third party. Nevertheless, interviews with prisoners of war who are confined pending trial or under sentence may be permitted, when in conformity with the rules and regulations for the visits of third parties to such persons. Such consent shall always be given if compatible with the object or purpose for which the prisoner of war is detained and with local prison regulations. In this event, interviews may take place in the presence of witnesses.

(f) The delegate shall, at no time, without the full knowledge and permission of the Commandant, give to or receive from a prisoner of war written matter of any kind, or any oral messages; nor shall he converse with prisoners of war on any subject not relating to personal matters affecting them.

(g) Before leaving the camp, the delegate may informally present to the camp authorities, for discussion and possible rectification, complaints made by prisoners of war and such suggestions as he may consider advisable regarding changes or improvements.

A prisoner of war shall not be punished on account of a com-

plaint made by him to the visiting delegate except when such complaint is shown to contain intentionally false or insulting statements or accusations; in which case punishment may be inflicted only in the manner prescribed in Article 120 and after the delegate of the Protecting Power has been heard in the matter.

#### ARTICLE 123.

The diplomatic representative of the Protecting Power shall be freely permitted to make complaints directly to the central authority of the Captor State about the management and conditions of the prison camps, the treatment of the prisoners of war and about the camp personnel, etc. The Captor State shall immediately make an investigation of all such complaints. The diplomatic representative of the Protecting Power shall be permitted to adduce evidence by witnesses or otherwise. Should it appear essential for a full investigation of the case, an officer of the central authority of the Captor State shall visit the camp, who shall, upon the request of the competent diplomatic representative be accompanied by a delegate of the latter.

The result of every such investigation and a statement of the action taken thereon, shall in each case be communicated to the diplomatic representative of the Protecting Power. If the result of the investigation be unfavorable, remedial action shall be taken immediately.

None of the military personnel of a prison camp, including interpreters, removed from their positions on account of their attitude toward prisoners of war, shall thereafter be employed in connection with prisoners of war.

#### 17. Rates of Pay of Officers and Certain Other Prisoners of War.

#### ARTICLE 124.

Officer prisoners of war, officials and certain other prisoners of war classed as officers shall receive from the Captor State while in its custody pay on the basis of the following articles.

#### ARTICLE 125.

Officers and others entitled to pay will for the purpose of pay be divided into three classes.

##### Class I comprises:

(a) Captains and higher grades of the American army and marine corps; lieutenants senior grade and officers of higher grades of the American navy, line or staff corps.

(b) Officers of the grade of captain and higher grades of the German army and marine infantry. Officers of the rank of "Kapitan-Leutnant" and higher ranks of all officer corps of the German navy.

##### Class II comprises:

(a) First and second lieutenants of the American army; officers, line or staff corps of the grade of lieutenant (junior grade), ensign, chief warrant officer and warrant officer, whatever their corps or branch, of the American navy, and officers of the American marine corps of the corresponding grades.

(b) Subaltern officers of the German army and all officer corps of the German navy (including "Feldwebelleutnats" in the army and navy as well as "Deckoffizierleutnats, Deckoffizier-Inge-

nieure" and "Hilfs-Offiziere" holding the rank of subaltern officers in the German navy).

**Class III comprises:**

(a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;

(b) "Offizier-Stellvertreter" and "Beamten-Stellvertreter" of the German army and the German navy, "Fahnräthe zur See," "Deckoffiziere," "Vize-Deckoffiziere" and "Hilfs-Deckoffiziere" of the German navy.

**ARTICLE 126.**

The monthly pay shall be, on the basis of 1 Dollar equals 4.20 Marks, for class I, 95.25 Dollars or 400 Marks; for class II, 83.35 Dollars or 350 Marks; for class III, 65.50 Dollars or 275 Marks.

**ARTICLE 127.**

Officials of the army or navy prisoners of war of either side shall receive during their captivity the same pay as the military persons whose rank they hold.

**ARTICLE 128.**

The rates of pay herein stipulated shall apply to all prisoners of war entitled to pay, whether they are on the active, retired, or reserve lists, who at the time of capture were on active duty in the military or naval service of their respective States of Origin.

**ARTICLE 129.**

Prisoners of war entitled to pay under the provisions of Articles 124 to 128 inclusive shall be paid on or about the first of each month for the preceding month or fraction thereof. Pay will accrue from the day of their capture.

When a duplication of pay occurs, due to this agreement and to the difference in method of payment of the two Contracting Parties, the attention of the recipients shall be called to the fact that they will have to refund to their State of Origin upon internment in a neutral country or upon repatriation any such amount.

**ARTICLE 130.**

A prisoner of war who becomes entitled to an increase in pay by promotion will be paid at the increased rate from the date named by the State of Origin through diplomatic channels as the date on which the promotion took effect.

**ARTICLE 131.**

The obligation of the Captor State to pay prisoners of war as provided above shall cease upon their internment in a neutral country or upon repatriation.

**ARTICLE 132.**

All payments made by the Captor State to prisoners of war according to the above provisions shall ultimately be reimbursed to the Captor State by the State of Origin.

**18. Transfers to Other Prison Camps.****ARTICLE 133.**

Prisoners of war upon being transferred from one place to another shall be permitted to take with them their personal effects, letters, and parcels.

**ARTICLE 134.**

Upon their own request made through official channels or upon the request of their State of Origin, fathers, sons, and brothers who are simultaneously prisoners of war shall be united in the same main camp or working detachment unless sanitary reasons or strict requirements of discipline forbid.

The transportation of prisoners of war who are to be united will be furnished by the Captor State without charge.

As long as the reunion shall not have taken place or when it is not feasible, the prisoners of war may communicate by letter or postcard with each other; these letters and postcards shall be counted in the authorized maximum.

**ARTICLE 135.**

Officer prisoners of war shall not be transferred from one camp to another except upon urgent necessity and, if transferred, notice of such transfer shall be communicated as speedily as possible to the Protecting Power.

Officer prisoners of war may, however, be transferred at their own request, in which case, unless it falls within the provisions of Article 134, expenses incident to the transfer shall be borne by the officer transferred; otherwise the aforesaid expenses shall be borne by the Captor State.

**19. Recognition of Rank.****ARTICLE 136.**

The promotion of prisoners of war to the grade of officer or to higher ranks or grades shall be recognized by the Captor State upon notification of such promotion by the diplomatic representative of the Protecting Power, provided that the promotion was recommended at a date prior to capture or becomes effective in due course of seniority according to the laws and regulations of the State of Origin.

**ARTICLE 137.**

In case of doubt as to the military grade of a prisoner of war and as to his right to the corresponding privileges and pay, an official statement of these matters to the Captor State by the diplomatic representative of the Protecting Power shall be conclusive.

**20. Relief Societies.****ARTICLE 138.**

Each party to this agreement shall be free to designate to the other party relief societies, and these societies shall be given all facilities for the performance of their humane tasks within the bounds imposed by military necessities and administrative regulations.

## 21. War Correspondents, etc.

## ARTICLE 139.

Individuals who follow an army without belonging directly to it, such as war correspondents, reporters, and purveyors, shall be treated as prisoners of war when captured by the enemy and when detention seems expedient, provided they are in possession of a certificate from the commander of the army which they accompany. In this case they are entitled to the same treatment as subaltern officers with the exception of pay.

## B. Sanitary Personnel.

## I. REPATRIATION OF SANITARY PERSONNEL.

## ARTICLE 140.

All sanitary personnel and chaplains mentioned in Articles 9, 10, and 11 of the Hague Convention of July 6th, 1906, and in the Hague Convention No. X, of October 18th, 1907, relative to the application to naval warfare of the principles laid down in the Geneva Convention, including the sanitary personnel of the interned crews of ships of war, shall be repatriated as soon as their services are no longer necessary for the proper care of the captured sick and wounded of their own State of Origin.

None of the sanitary personnel of the Contracting Parties who fall into the power of the armed forces of the other either on the continent of Europe or in European waters, shall be removed from Europe or transferred to another State which is at war with the other Contracting Party.

## ARTICLE 141.

The term "Sanitary Personnel" shall be held to comprise the following:

(a) To be recognized immediately.

1. Army and navy chaplains, medical officers, sanitary administration officers, doctors of noncommissioned rank (hospital inspectors, apothecaries, etc.), both male and female doctors, nurses and assistants, who are clearly recognizable by their special uniforms or otherwise.

2. Every other wearer of the brassard described in Article 20 of the Geneva Convention of July 6th, 1906, who can show his or her right to wear this brassard by an officially stamped certificate issued by the commanding officer of the organization and signed in his own hand by the bearer. These certificates may not be taken away either at the time of capture or later.

3. Persons incontestably identified as members of the sanitary personnel by the evidence of third parties.

(b) To be recognized upon presentation of further evidence.

Others the identification of whom shall be accomplished, subject to examination by the Captor State, by a subsequent certification issued by the Ministry of War or Navy of the State of Origin; or in the case of American sanitary personnel, by the Commander in Chief of the expeditionary force.

**ARTICLE 142.**

In the case of sanitary personnel belonging to organizations the records and archives of which have been destroyed or are in the hands of the enemy, it shall suffice that the State of Origin attest the probability of their character; such attestation shall be accepted as sufficient evidence.

**ARTICLE 143.**

The State of Origin shall transmit to the Captor State by diplomatic channels the names of the sanitary personnel whose repatriation is desired, and the certificate required by Article 141, b. The return to their homes of the sanitary personnel specified in Article 141, a, shall not be conditioned on their inclusion in these lists.

If the Captor State believes it has grounds for declining repatriation of any person on these lists, the reasons must be stated in full.

**ARTICLE 144.**

The release of sanitary personnel held awaiting trial or serving sentence is subject to the provisions of Article 20.

**ARTICLE 145.**

The taking home of personal effects by released sanitary personnel shall be governed by Article 22; and private property, including instruments and weapons, which they brought with them into captivity, shall be excepted from any prohibitions of export.

**ARTICLE 146.**

The persons repatriated in accordance with the stipulations in Articles 140 to 144, inclusive shall be employed only on medical or religious duty.

**II. TREATMENT OF SANITARY PERSONNEL.****ARTICLE 147.**

The appropriate stipulations of Articles 23 to 40, inclusive, 52 to 123, inclusive and 133 to 137, inclusive, apply to the treatment of the sanitary personnel in the power of the Captor State.

When captured they shall be allowed to retain, or to deposit against receipt, such instruments, implements, drugs and other belongings as can be proved to be their personal property.

Utilization of sanitary personnel on work other than sanitary or medical duty is prohibited.

**ARTICLE 148.**

Sanitary personnel of either of the Contracting Parties while in the hands of the other shall be paid by the latter at the same rates as are paid by the German Government to members of its armed forces of similar ranks and ratings. The corresponding ranks and ratings of the sanitary personnel of the two Contracting Parties are shown in Annex 6.

When such sanitary personnel would receive a lower rate of pay according to the preceding paragraph than prisoners of war of

the same rank, they shall be paid at the rate authorized for the latter.

The provisions of Articles 128 to 131 inclusive, for the payment of prisoners of war shall govern payments to sanitary personnel. Upon identification as such, they shall receive back pay due them.

#### ARTICLE 149.

The sanitary personnel of the armed forces of the two Contracting Parties captured while serving with the armed forces of an ally or cobelligerent shall be embraced in this agreement as though taken while serving with their own armed forces.

#### ARTICLE 150.

The provisions of Articles 140 to 147 inclusive and 149 shall apply to all members of the designated relief societies mentioned in Article 138 captured by either of the Contracting Parties.

### C. Civilian Citizens and Civil Prisoners.

#### I. REPATRIATION AND INTERNMENT IN A NEUTRAL COUNTRY OF CIVILIAN CITIZENS AND CIVIL PRISONERS.

#### ARTICLE 151.

Of the civil prisoners in the custody of the Contracting Parties at the time when this Agreement goes into effect, the following shall be repatriated upon their wish, and without regard to number:

- (a) Women and children.
- (b) Males, other than the officers of merchant ships, who, on the day when this Agreement goes into effect, have not completed their seventeenth year or have passed their forty-fifth year.
- (c) Males of any age who, on the day when this Agreement goes into effect, are within the invalid classes specified in Annex I, Sections I A, II A and III, or described in Article 6, of this Agreement.

#### ARTICLE 152.

Male civil prisoners who, on the day when this Agreement goes into effect, have not completed their forty-fifth year, shall, upon their wish, be repatriated as provided by Article 151 b, as soon as they have reached the specified age.

#### ARTICLE 153.

Male civil prisoners who, on the day when this Agreement goes into effect, have completed their seventeenth but have not passed their forty-fifth year, shall be interned in a neutral country upon their wish if within the invalid classes specified in Annex I, Sections I B, II B, and III and described in Article 6 hereof. They may be repatriated therefrom by the authorities of the neutral country in the manner herein provided for interned invalid prisoners of war (Article 19).

## ARTICLE 154.

Of the civil prisoners in the custody of the Contracting Parties at the time when this Agreement goes into effect, and who are not eligible for repatriation or internment in a neutral country according to Articles 151, 152, and 153, there shall be repatriated, upon the conditions herein set forth, and upon their wish:

(a) Officers of merchant ships, head for head. Should the number of such officers in the possession of the Contracting Parties, respectively, be, at any time, unequal, so that a surplus will remain after all exchanges under this clause have been effected, the residue may be exchanged, head for head, regardless of rank for officer prisoners of war, and regardless of the length of the latter's imprisonment.

(b) Other males who on the date when this Agreement goes into effect, have completed their seventeenth year, but have not passed their forty-fifth year, these head for head.

## ARTICLE 155.

The legal wives, daughters, and sons under seventeen of civilian citizens or civil prisoners, as also of prisoners of war, repatriated or interned under this Agreement shall be forwarded, upon their wish, with their husbands or fathers.

## ARTICLE 156.

All civilian citizens of the United States who are in Germany at the time when this Agreement goes into effect (whether civil prisoners or free) may, within three months thereafter, ask to be repatriated. Notice of this permission and of the proper authorities to whom application may be made shall be made public through official announcement in the German newspapers. This notice shall be published at the latest on the day this Agreement becomes effective. A corresponding notice shall, on the same day, be sent by the German Government to the diplomatic representative of the Protecting Power, which shall be free to inform directly the persons in question.

## ARTICLE 157.

The requests made in accordance with Article 156 shall, in principle, be granted with the exception provided for in 167.

Lists of those civilian citizens of the United States who will be so repatriated shall be sent every two weeks by the German Government to the diplomatic representative of the Protecting Power, in order that the same may be immediately cabled by it to the Government of the United States.

## ARTICLE 158.

Civilian citizens of the United States, who, within the period mentioned in Article 156, have not expressed a desire to be repatriated, or who have not left Germany within six weeks after their request has been approved, shall be considered as having waived all the benefit of Articles 156 and 157 provided their departure was not prevented by causes beyond their control.

## ARTICLE 159.

Upon receipt of notification from the Protecting Power, as specified in Article 157, the Government of the United States shall

forward, as soon as there may be opportunity, as many German civil prisoners entitled to repatriation or internment under Articles 151 to 153, inclusive, as will correspond to the number of citizens of the United States having permission to depart from Germany.

The Contracting Parties shall, without delay, inform each other, through diplomatic channels, of the departure of their respective nationals; and any discrepancy in numbers resulting therefrom shall be equalized in the next shipment.

#### ARTICLE 160.

Should the number of civil prisoners and civilian citizens of the United States who have departed from Germany exceed the number of German civil prisoners entitled to repatriation or internment upon the conditions prescribed in Articles 151 to 154, inclusive, the excess shall be compensated by the repatriation of a like number of German civil prisoners of the class described in Article 154b, preference being given in this event to those who, in the opinion of the medical officers of the Captor State, should be released from captivity for reasons of health.

Should the number of civilian citizens of the United States who have departed from Germany be less than the number of German civil prisoners entitled to repatriation or internment in accordance with Articles 151 to 153 inclusive, the number entitled to repatriation or internment thereunder shall nevertheless be forwarded.

#### ARTICLE 161.

Except as provided in the following article, only those shall be considered as citizens or nationals of the United States, in the sense of Articles 151 to 160 inclusive hereof, who, at the moment of departure, are in possession of a valid passport or certificate of identity duly issued by authority of the Government of the United States.

#### ARTICLES 162.

Officers and members of the crews of American or German merchant ships shall be entitled to the benefits of this Agreement regardless of their individual citizenship.

#### ARTICLE 163.

The repatriation of civilian citizens and civil prisoners of the United States from Germany shall be deemed to be accomplished, within the meaning of this Agreement, upon their arrival at some point within the control of the military forces of the United States, or within the territorial limits of France, Switzerland, The Netherlands, or Denmark; and that of civil prisoners from the United States upon their arrival on board such neutral vessels as may be arranged for by the Contracting Parties or by the Commission provided for in Article 174; their further transportation in either case to be at the care of the Government concerned.

#### ARTICLE 164.

The Contracting parties shall have the right to detain civilian citizens and civil prisoners in quarantine for a period not exceeding two months prior to their departure for repatriation or internment. In case quarantine be necessary, the period thereof shall

be so arranged as to cause the least practicable delay in the departure of the persons affected.

#### ARTICLE 165.

The provisions of Article 20 of this Agreement are extended to cover civilian prisoners serving sentence for breaches of camp discipline or held awaiting trial therefor.

#### ARTICLE 166.

Subject to the conditions stated in Article 22, civilians and civil prisoners who are to be repatriated or interned in a neutral country may take with them moneys in their personal possession, clothing, household effects, personal papers and articles such as those enumerated in Article 28, paragraph 3.

#### ARTICLE 167.

The Contracting Parties reserve the right to detain such individual civilians as they may designate. The names of the persons so designated shall be promptly communicated to the Protecting Powers.

#### ARTICLE 168.

Civilian citizens and civil prisoners repatriated in accordance with this Agreement may be employed by their respective Governments only as provided in Article 21 hereof.

### II. TREATMENT OF CIVIL PRISONERS.

#### ARTICLE 169.

The provisions of Articles 23 to 31 inclusive, 33, 37 to 40 inclusive, 52 to 123 inclusive, 133, 134 and 137 of this Agreement shall apply to civil prisoners in the same manner as to prisoners of war, with such modification as circumstances may require; provided, always, that no such modification shall be less favorable to the prisoners than the original provision, and that consideration be paid to their education and profession.

#### ARTICLE 170.

Civil prisoners shall not be called on to undertake any form of compulsory work, except that directly connected with the maintenance and sanitation of the camp or other place in which they may be detained. In apportioning such work, consideration shall be given to the education and profession of the prisoners. No force, threats, menaces, deprivation of privileges, nor any other means shall be employed for the purpose of inducing civil prisoners to undertake any other form of work than herein specified. They shall, however, upon their written request, and not otherwise, be allowed to perform work of a character similar to that performed by prisoners of war and under no less favorable terms.

#### ARTICLE 171.

Officers of the retired or reserve lists of the armed forces of the Contracting Parties, certified by the respective Governments as having been such prior to April 6, 1917, who have the status of

civil prisoners, shall, as long as their status of civil prisoners continues, be accorded treatment, including pay, fully equal to that provided by this Agreement for officer prisoners of war.

They shall, however, in so far as internment in a neutral country or repatriation is concerned, be accorded the privileges in these matters accorded to civil prisoners by this Agreement.

The provisions of the foregoing paragraph shall not apply to such individuals as are or may hereafter be detained under charges or be undergoing punishment for violation of the laws of the Captor State.

Any payment of salaries made by the Captor State to the civil prisoners contemplated in this Article shall be reimbursed by the State of Origin.

#### ARTICLE 172.

Officers of merchant ships are to be lodged apart from the remainder of the crews of merchant ships and are to be treated according to their rank.

### D. General Provisions.

#### ARTICLE 173.

For the purpose of this agreement, including its seven annexes, the terms of prisoners of war, civil prisoner, officer, noncommissioned officer, invalid, valid, repatriation and State of Origin, shall have the meanings defined in Annex 7, except when otherwise specified in the text.

#### ARTICLE 174.

The transportation of prisoners of war, civil prisoners and sanitary personnel, who are entitled to repatriation or internment on the basis of this Agreement, shall be arranged with the cooperation of one or more neutral States.

The details for carrying out the transportation by land or sea, including the selection of land and sea routes, shall be determined by a mixed commission (a transportation commission). Any neutral State, through or in which the transportation takes place, shall be represented by one member, and each Contracting Party by two members.

A transportation commission, constituted as above specified, shall convene immediately after the ratification of this Agreement or at an earlier date, to be agreed upon by both Contracting Parties, at The Hague, subject to the consent of the Government of the Netherlands, whose consent both Contracting Parties shall endeavor to obtain.

If necessary the membership of this commission may be increased by representatives of other neutral States affected, or additional similar commissions may be created in other neutral countries concerned, according to circumstances. The chairman of each transportation commission shall be the representative of the neutral State in whose territory the commission meets.

The Commission shall arrange that the Governments concerned be promptly informed of all decisions and measures that affect them. The commission may receive from the Governments concerned all information of importance to them.

The Contracting Parties shall carry out as far as the facilities at their command permit and as rapidly as possible the arrangements for transportation agreed upon by these commissions. The Contracting Parties guarantee to all trains and ships, while engaged on any journey or voyage having the purpose of carrying out the repatriation or internment herein provided for, immunity from any hostile action on their own parts; and they will seek to obtain similar guarantees from their Allies and cobelligerents. When a return trip is involved as a necessary part of the complete transaction as arranged for by the Commission, like immunity shall extend to such return trip.

#### ARTICLE 175.

The following principles shall govern the order in which persons eligible for internment in a neutral country or for repatriation shall be dispatched:

(a) Invalid prisoners of war, invalid civil prisoners and sanitary personnel shall have precedence over all other persons who are to be transported, and shall be assigned to the next possible shipment after their eligibility for internment in a neutral country or for repatriation has been established.

(b) Other persons entitled to transportation shall be sent in the following order:

1. Males under 17 years of age and all females;
2. Prisoners of war;
3. Civilian males over 17 years of age; those over 45 years in preference to those between 17 and 45 years.

Precedence in their respective classes among persons named under the above classes shall be decided according to length of captivity, and when their captivity is of equal duration, according to seniority of age, priority being given to the oldest and children going with their parents or guardians.

(c) If because of uncontrollable circumstances, the order of priority contemplated in the preceding paragraph can not be followed, the repatriation of the person whose departure may have been delayed shall take place within a maximum period of two months.

(d) Persons selected for transportation overseas shall be embarked as soon as possible after the arrival of the transport in the port of embarkation and in such manner as to utilize fully all available space. The proper authorities of the United States co-operating with the representative of the Protecting Power shall decide questions of priority regarding the transport of Germans.

(e) As far as possible, families shall be sent on the same transport.

#### ARTICLE 176.

The expenses of transporting prisoners of war and civil prisoners who are to be repatriated or interned in a neutral country in accordance with this agreement shall be met as follows:

(a) The State of Origin shall bear the expenses of transportation overseas on their own or neutral ships;

(b) The expenses of transportation overland in the territory of the Captor State and in that of its cobelligerents shall be borne by the Captor State; in the territory of the State of Origin, in that of its cobelligerents and in that of neutral states, by the State of Origin of the prisoners.

**ARTICLE 177.**

The enumeration in this agreement of certain rights which shall be accorded and privileges which shall not be denied to prisoners of war, sanitary personnel and civil prisoners, shall not be held or construed to preclude additional or greater rights or privileges wherever local conditions may permit.

**ARTICLE 178.**

In the interests of German prisoners of war in the hands of the American forces in France, the Protecting Power shall have the right to appoint special delegates who shall have the same privileges and duties, and shall be under the same restrictions as are provided in this agreement for the delegates of the Protecting Powers in the United States and Germany. He shall also be advised of all information regarding the prisoners of war with whose interests he is charged, which under the terms of this agreement is communicated to the representative of the Protecting Power in Washington.

**ARTICLE 179.**

The Contracting Parties shall instruct all authorities concerned to take the severest measures to prevent all violations of the provisions of this agreement.

**ARTICLE 180.**

Each Contracting Party agrees to notify the other through the representative of its Protecting Power of errors or omissions by the other in the application of the provisions of this Agreement. Upon the receipt of such notification the party notified shall immediately conduct an inquiry into the causes of the complaint and as soon as possible make known to the Protecting Power the results thereof, together with the remedial steps taken.

**ARTICLE 181.**

Differences of opinion between the two Contracting Parties as to the interpretation of this Agreement or of any articles thereof shall be referred to a joint commission, which shall consist of a chairman, to be designated by the president of the Swiss Confederation, and of one representative of each of the Contracting Parties. The decision of this commission shall be final.

**ARTICLE 182.**

No measure of retaliation or reprisal shall be taken by either of the Contracting Parties against the prisoners of war of the other without giving previous notification of at least forty days of such intent. This notification shall contain a definite statement of the reasons for the measure of reprisal or retaliation proposed and shall be transmitted simultaneously to the diplomatic representative of the Protecting Power and to the Government of the Swiss Confederation. The forty days shall be counted from the date upon which notification is received by the Swiss Government.

The period specified in the preceding paragraph may be lengthened by a definite period at the option of the State threatening the reprisal, when the representative of the Protecting Power states that the time allowed will not suffice for a full investigation of the causes assigned.

**ARTICLE 183.**

Speeches or verbal orders by the commandant of a prison camp or one of his subordinates, if delivered in a language other than that of the prisoners addressed, shall be translated by an interpreter. Written orders shall at all times be translated into the language of the State of Origin of the prisoners and shall be kept posted in a conspicuous place as long as they are in force.

**ARTICLE 184.**

The text of this Agreement, together with its annexes, shall, as soon as it comes into force, be posted and kept permanently posted in English and German, in all camps and working detachments in a public place. The highest ranking officers in officers' camps and the Camp Help Committees and their representatives shall be supplied with a sufficient number of copies of this Agreement to give all those concerned an opportunity to make themselves acquainted with its contents.

**E. Approval of the Agreement.****ARTICLE 185.**

This Agreement and its seven annexes shall be approved by both Contracting Parties and notification of such approval in writing shall be transmitted immediately thereafter to the Swiss Federal Government.

The Agreement shall go into effect seven days after the receipt by the Swiss Federal Government of both notifications of approval.

The Contracting parties agree to take the necessary steps to obtain the cooperation of the neutral Governments concerned in any measures necessary for the bringing of this Agreement into operation and for its due execution.

Done at Berne, in five like copies, on this 11th day of November, one thousand nine hundred and eighteen.

J. W. GARRETT.  
JOHN W. DAVIS.  
F. J. KERNAN.  
HENRY H. HOUGH.  
FURST ZU HOHENLOHE LANGENBURG.  
A. MONTGELAS.  
VON FRANSECKY.  
V. KELLER.  
WILKE.  
DRAUDT.

**Annex 1.****CONDITIONS FOR THE REPATRIATION AND INTERNMENT OF PRISONERS OF WAR UPON THE BASIS OF HEALTH.****I. Guiding Principles for Repatriation and Internment.****A. Guiding Principles for Repatriation.**

There shall be repatriated:

1. Sick and wounded who, according to medical opinion, cannot be expected to recover within a year, because their condition requires treatment and their mental or physical ability appears to have undergone marked deterioration.
2. Incurably sick and wounded whose mental or physical ability appears to have undergone marked deterioration.
3. Cured sick and wounded whose mental or physical ability appears to have undergone marked deterioration.

**B. Guiding Principles for Internment.**

There shall be interned:

1. Sick and wounded whose recovery within a period of one year, while expected, would appear more sure and rapid if they were given the benefits afforded by the resources of a neutral country than if their captivity were prolonged.
2. Prisoners of war whose mental or physical health, according to medical opinion, is seriously menaced by their remaining in captivity, whereas internment in a neutral country would probably relieve them of this risk.

**C. Guiding Principles for the Repatriation of Those Interned in a Neutral Country.**

There shall be repatriated:

1. Those whose state of health is or is becoming such that they fall within the categories of those eligible for repatriation on the basis of invalidism.
2. The recovered whose mental or physical ability appears to have undergone a marked deterioration.

**II. Special Rules for Repatriation and Internment.****A. Special Rules for Repatriation.**

There shall be repatriated:

1. All prisoners of war who as a result of organic lesions are afflicted with any of the following defects: Loss of limb, paralysis, changes in joints, or similar injury which causes a defect at least as great as the loss of a foot or hand.
2. All wounded or injured prisoners of war whose condition is such as to make them invalids whose recovery, according to medical opinion, cannot be expected within one year.
3. All sick whose condition is such that their recovery, according to medical opinion, cannot be expected within one year.  
To this category belong particularly:
  - (a) Progressive tuberculoses of any organ, which, according to medical opinion, cannot be cured, or at least markedly bettered, by treatment in a neutral country.
  - (b) Nontuberculous affections of the respiratory organs of a presumably incurable nature such as, especially, high-grade em-

physema with or without bronchitis, bronchiectasis, severe asthma, gas poisoning, etc.

(c) Serious chronic affections of the organs of circulation (for example, valvular diseases with tendency to disturbances of compensation, relatively serious diseases of the myocardium, pericardium or vessels, particularly inoperable aneurysms of the large vessels, etc.).

(d) Severe chronic affections of the digestive organs.

(e) Severe chronic affections of the genito-urinary organs (for example, all cases of proved chronic nephritis with complete symptomatology, and particularly those already showing cardiac and vascular changes; also chronic pyelitis and cystitis, etc.).

(f) Severe chronic diseases of the central and peripheral nervous system (for example severe neurasthenia and hystreia, all cases of undoubted epilepsy and of exophthalmic goitre).

(g) Blindness of both eyes, or of one eye if the vision of the other eye is impaired and can not be corrected to normal by glasses. Diminution of visual acuity so that it cannot be brought up by correcting glasses to 20/40 in at least one eye. Other ocular affections falling in this category are glaucoma, iritis, choroiditis, etc.

(h) Total bilateral deafness or total unilateral deafness, provided that the incompletely deaf ear does not hear ordinary conversation at a distance of one meter.

(i) All clearly established cases of mental disease.

(k) Grave chronic poisoning by metals or other causes (lead or mercurial poisoning, morphinism, cocaineism, alcoholism, poisoning by gas, etc.).

(l) Severe chronic affections of the organs of locomotion (arthritis deformans, gout, rheumatism with clinically demonstrable organic changes).

(m) All malignant neoplasms, if they are not removable by relatively slight operations which do not endanger life.

(n) All cases of malaria with demonstrable organic alterations (considerable chronic enlargements of the liver or spleen, cachexia, etc.).

(o) Grave chronic skin diseases, of such a nature that they do not constitute a medical indication for internment in a neutral country.

#### B. Special Rules for Internment.

Prisoners of war shall be interned if they suffer from any of the following affections:

1. All forms of tuberculosis of any organs, which, according to existing medical knowledge, can be cured or at least markedly improved by methods available in a neutral country (altitude, treatment in sanatoria, etc.).

2. All forms of diseases of the respiratory, circulatory, digestive or genito-urinary organs, of the nerves, the organs of sense, the locomotor apparatus and the skin, which need treatment and which do not belong to the categories prescribed for repatriation and are not acute diseases properly so-called, showing a tendency to ready recovery. The affections here discussed are those which offer better chances of recovery by the application of measures available in a neutral country than if the patients were to be treated in captivity.

Nervous troubles caused directly by the events of the war or by captivity, such as psychasthenia of prisoners (barbed-wire disease) and similar cases, shall be especially considered.

All cases of this kind which are definitely determined and which, in view of their gravity or their constitutional character, are not entitled to direct repatriation, shall be interned.

Cases of psychasthenia of prisoners (barbed-wire disease) which are not cured after three months in a neutral country or which, after that length of time, are not manifestly on the way to definite cure, shall be repatriated.

3. All cases of wounds or injuries and of their consequences, which offer a better chance of cure in a neutral country than in captivity, and which are not on the one hand eligible for repatriation nor on the other insignificant.

4. All cases of duly proved malaria without clinically demonstrable organic alterations (chronic enlargement of liver or spleen, or cachexia, etc.) for which a stay in a neutral country offers particularly favorable prospects of a complete cure.

5. All cases of poisoning (particularly by gas, metals, alkaloids) for which the prospects of cure are especially favorable in a neutral country.

There shall be excluded from internment:

1. All cases of duly proved mental disease.

2. All organic or functional nervous diseases reputed incurable. (These two categories belong to those which give a right to direct repatriation.)

3. Severe chronic alcoholism.

4. All contagious diseases in the period in which they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.). Person infested with vermin must be freed therefrom before internment.

### III. General Remarks.

The conditions set forth above should in general be interpreted and applied in a spirit as broad as possible.

This broad interpretation ought to be applied particularly to neuropathic or psychopathic states caused or determined by war experiences or by captivity itself (psychasthenia of prisoners of war) as well as to cases of tuberculosis in all stages.

There will be many cases brought before the travelling commissions and commissions of control which do not conform to the examples given under heading II. The examples are given as typical only. An analogous list of surgical alterations has not been made, because, except for certain cases which by their very nature are incontestable (amputations), it is difficult to make a list of particular types. Experience has shown that the setting forth of such cases is in practice inconvenient.

All cases which do not correspond exactly to the examples cited are to be judged in accordance with the spirit of the guiding principles given above.

**Annex 2.****MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF OFFICERS' CAMPS.****1. Housing.**

The location and equipment of officers' camps must meet all requirements for proper hygiene and cleanliness. Camps shall not be situated in unhealthful locations. The wire fences shall not be electrified. The buildings shall be suitable for the occupancy of officers, and the rooms shall be sufficiently ventilated and free from draughts. The minimum floor space per head shall be as follows:

**(a) Sleeping Rooms.**

Single bed rooms for general and flag officers, 12 square metres.

Single bed rooms for field and commanding officers, 10 square metres.

Rooms with more than one bed for field and commanding officers, 8 square metres.

Rooms for all army captains and subaltern officers, 6 square metres.

**(b) Dining Rooms, Work Rooms, and Recreation Rooms Combined.**

In camps up to 100 officers, 1 square metre.

In camps of from 101 to 300 officers, 0.75 square metre.

In camps of more than 300 officers, 0.50 square metre.

Working rooms and recreation rooms may be used as dining rooms. In such cases they shall be open from reveille to tattoo.

In so far as barracks are used either for sleeping or dining or as work and recreation rooms, they shall as a rule have double walls and wooden floors; but where this is not possible, they shall be otherwise sufficiently protected against cold and damp.

The minimum height for all rooms above mentioned shall be 2.50 metres to the eaves.

**Protection Against Fire.**

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks and camps in the language of the prisoners of war, and the latter as well as the guards shall be fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

**2. Paths.**

Paths habitually in use within the camp shall be kept in serviceable condition even in bad weather.

**3. Beds and Bedding.**

Each officer shall be provided with a single bed with springs, mattress, pillow, two warm covers of adequate dimensions, and two sheets. General and flag officers and field and commanding officers

shall be provided with a pillow in addition. The beds shall be raised at least twenty centimeters from the floor. Beds shall not be superimposed.

Bed linen shall be changed at least once a month.

#### 4. Furniture.

Each officer shall have at his disposal in his bedroom a cupboard or other place in which he can keep his personal belongings (clothing, etc.).

Each officer prisoner of war shall have one chair and adequate table space. General and flag officers shall each have two chairs.

#### 5. Lighting and Heating.

All rooms shall be adequately lighted, and the light for every general or flag officer must have a minimum of 16 candlepower, and for every field or commanding officer a minimum of 10 candle-power, in rooms for two officers of other grades 16 candlepower. Where it is not possible to supply electric light, other means of supplying an equal amount of light shall be provided. All rooms shall be heated sufficiently for the purposes for which they are used.

#### 6. Grounds for Games and Exercises.

A space for exercise of sufficient size to permit of games being played shall be provided in each camp. In camps having up to 200 prisoners of war a minimum of 30 square metres per man; in camps of over 200 men 25 square metres per man, shall be provided. Paths may be, but gardens shall not be counted in computing this area. Exercise grounds if outside the camp may be used on condition that officers give their paroles as in the case of walks.

#### 7. Washing and Sanitary Arrangements.

##### (a) Bathing and Washing Arrangements.

Every officer shall be enabled to take at least one hot bath or hot shower bath a week, and unless other and adequate arrangements are made for bathing there shall be at least one shower bath for every forty officers. In every camp there must be at least two shower baths available. The shower baths shall be available for officers daily for three hours in the morning and three hours in the afternoon.

Ordinarily, every officer shall have at his disposal a wash basin and jug, and a water pitcher and glass. Where stationary wash-stands with running water are provided there shall be at least one bowl for every ten officers.

##### (b) Sanitary Conveniences.

All latrines and urinals shall comply with the requirements of proper sanitation and shall be lighted at night.

There shall be at least one latrine seat for every 30 officers. In no event shall there be less than three in any camp. They shall be separated one from another and shut off from view.

There shall be at least one urinal for every 20 officers.

The latrines for use at night shall be outside the sleeping rooms, and if not in the same building, access thereto shall be protected against bad weather.

Latrines and urinals for the use of officers shall be separate from those used by enlisted men.

**8. Medical Treatment.**

(a) Infirmaries.

An infirmary shall be established in every camp for officer prisoners of war, which shall contain at least three beds for every one hundred officers in camp. The rules as regards floor space and height shall comply with the conditions prescribed for the sleeping rooms. Separate bathing arrangements, latrines, and urinals shall be provided for sick officers.

(b) Hospitals.

Officers in hospitals shall be allowed during the day time to be in the open air as far as this is in accordance with the treatment prescribed for them by the medical officer.

Officers who are seriously ill may, with the consent of the medical officer, be visited by comrades who are in the same hospitals or in a neighboring camp. The visiting officers must give their paroles under the same conditions as are prescribed for walks.

**9. Orderlies.**

Every general or flag officer shall be entitled to one orderly. Field and commanding officers shall be entitled to one orderly for every four officers. Army captains and subalterns are entitled to one orderly for every seven officers.

Men employed as orderlies should be willing to perform this duty, should be physically fit in every way for the work, and should work only for the officer prisoners.

Orderlies shall be quartered and otherwise treated as well as other prisoners of war of like grades.

The rations and other rights of the orderlies shall not be curtailed on account of any gratuities or gifts in kind which they may receive from the officers.

Orderlies shall if possible be of the same State of Origin as the officers to whom they are assigned.

**10. Roll Call.**

A commissioned officer of the Captor State shall be present at all roll calls and there shall not be more than three roll calls per day. When there are adequate reasons the number of roll calls may be increased temporarily. In such case the Secretary of War or his representative must be notified.

**11. Physical Exercises.**

Compulsory physical exercises and drills are forbidden.

**Annex 3.****MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF CAMPS FOR PRISONERS OF WAR OTHER THAN OFFICERS.****1. Housing.**

Prisoners of war shall be housed in buildings or barracks which must fulfill all requirements of hygiene and be fully protected from inclement weather. Barracks shall, if possible, have wooden floors. If that is not practicable, the floor shall be so constructed that it can be kept hard, dry and clean.

Camps shall not be established in unhealthful locations. Wire fencing shall not be electrified.

**(a) Dormitories.**

The floor space for dormitories shall be on the scale of 3 square metres per head. If beds are placed one above the other, the floor space may be reduced to 2 square metres per head. Rooms shall be sufficiently large to provide each occupant with an air space of 7.5 cubic metres.

**(b) Living and Dining Rooms.**

In all camps containing at least 100 prisoners of war there shall be dining rooms provided with a sufficient quantity of tables and benches. The floor space shall be on the scale of 0.5 square metres per head. The dining rooms may be used by the prisoners of war for purposes of recreation between meals. In that case they must remain open from reveille until tattoo.

**(c) Protection Against Fire.**

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks, camps or working camps in the language of the prisoners of war; and the latter as well as the guards shall be fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

**2. Paths.**

Paths habitually in use within the camp shall be kept in serviceable condition, even in bad weather.

**3. Beds and Bedding.**

The beds shall be either iron or wooden frames. The bedding shall consist of a soft mattress at least 5 centimetres thick throughout and of two warm covers of adequate dimensions, to be supplied by the Captor State. The bed frames shall be raised at least twenty centimetres above the floor. They shall be separated by a space fifty centimetres broad or a dividing wall forty centimetres high. The contents of the mattress, if of straw, paper, seaweed or similar material, shall be renewed sufficiently often to insure cleanliness

and adequate thickness. The contents must not consist of unclean material. Prisoners of war shall be allowed to keep their own blankets in addition to those provided by the camp.

#### 4. Lighting and Heating.

Lighting shall be sufficient to enable prisoners of war to read and write from dusk until tattoo in the rooms at their disposal for the purpose.

All rooms must be sufficiently heated for the purposes for which they are used.

#### 5. Grounds for Games and Exercises.

A space for exercise of sufficient size to permit of outdoor games being played shall be provided in each camp. It shall be sufficient to provide ten square metres for every nonworker. In main and working camps containing more than 100 prisoners of war a special exercise ground shall be provided which the prisoners of war themselves shall prepare. The area shall be on a basis of 250 square metres for 100 prisoners of war and 75 square metres for every additional 100 prisoners of war. Paths may be, but gardens shall not be counted in computing this area.

#### 6. Washing and Sanitary Arrangements.

##### (a) Bathing and Washing Arrangements.

Adequate facilities for washing must be provided and in the absence of other adequate arrangements there shall be a tap to every 30 men and a shower bath for every 50 men. Suitable provision for washing shall, however, always be made when necessitated by the nature of the work prisoners of war are called upon to perform.

Bathing facilities shall permit of at least one hot bath or hot shower per week of at least five minutes duration. Facilities for washing clothes shall be available at least once a week.

Prisoners of war shall receive an allowance of soap which shall in no case be less than 150 grams per head per month. Prisoners employed on heavy work shall receive an extra allowance.

##### (b) Sanitary Conveniences.

Latrines and urinals must conform to the requirements of health and cleanliness and, if in barracks, must be separated from the living rooms.

There must be at least one latrine seat and one metre of urinal trough for every 40 men.

The latrines for use at night shall be outside the sleeping rooms, and, if not in the same buildings, access thereto shall be protected against bad weather.

Latrines shall be lighted at night.

#### 7. Clothing and Equipment.

##### (a) Clothing.

Clothing, underclothing, and footwear shall be furnished by the Captor State, the quality of which shall equal that of the same articles furnished for similar purposes to its own armed forces. Furthermore the prisoners of war shall be allowed to receive wear-

ing apparel and other objects of daily use from the designated relief societies. No such consignments shall relieve the Captor State of the obligation of providing clothing, etc. The Captor State shall provide for regular renewal and repair.

Regulation uniforms furnished by the State of Origin or the relief societies shall not be cut for the purpose of applying stripes or other distinctive marks.

Every prisoner of war shall be provided with the following articles: 1 cap, 1 pair cloth trousers, 1 cloth coat or tunic, 1 overcoat, 2 shirts, 2 pairs of drawers, 2 pairs of socks or stockings, 2 pairs of boots or shoes of which one pair may be house shoes or wooden slippers, 1 towel per week.

In addition, each worker shall be provided with a suit of drill overalls whenever the nature of the work requires it.

(b) Equipment.

Each prisoner of war shall be given a mess kit and utensils, including a knife, fork and spoon, a drinking cup and a barrack bag or other suitable container for his personal belongings.

8. Medical Treatment.

(a) Infirmaries.

In every camp containing more than 30 prisoners of war there shall be an infirmary. The number of beds shall be three for every hundred prisoners and for every bed there shall be an air space of at least 10 cubic metres. The beds shall each have springs, a mattress, a pillow, and sheets.

Special bath and sanitary conveniences shall be provided for the sick.

(b) Hospitals.

Prisoners of war under treatment in hospitals shall be given an opportunity for being in the open air daily, so far as this is in accordance with the treatment prescribed for them by the medical officers.

Men who are seriously ill may be visited, so far as practicable and subject to the consent of the medical officer, by comrades who are located in the same hospital or in a neighboring camp.

9. Physical Exercises.

Compulsory drills and physical exercises shall not last more than one hour per day.

**Annex 4.****REGULATIONS FOR CARRYING OUT THE PUNISHMENT OF  
OFFICER PRISONERS OF WAR IN PRISON CAMPS  
AND MILITARY PRISONS.****1. Housing.**

Rooms will be sanitary, sufficiently large, light, dry, well ventilated by at least one window leading to the open air, and warmed during cold weather; they must be artificially lighted from dusk to 9 P. M. Places of confinement may be secured by locks.

**2. Furniture.**

The furniture of the rooms shall consist of a bed with mattress, sufficient blankets and sheets, one table, one chair, a washbasin, a water pitcher, and glass.

**3. Diet.**

Officer prisoners of war under punishment shall receive from the Officers' mess the same diet as those who are not under punishment. They shall not be permitted to buy alcoholic beverages or eatables. They shall be allowed to smoke.

**4. Exercise.**

Officer prisoners of war under punishment may take exercise in the open air for 2 hours a day, but must not have communication with their fellows.

**5. Occupation.**

Officer prisoners of war under punishment shall be allowed to read and write and to receive newspapers. If two or more officers are confined in the same room they shall be allowed to talk together. They shall be permitted to play games, but not to gamble.

**6. Correspondence.**

Officer prisoners of war under punishment shall be allowed to receive and send the authorized maximum of letters and post cards. However, parcels and money addressed to them shall not be delivered until their punishment has expired.

The food contents of parcels shall be handed over to the Officers' mess of the camp. If any Officer prisoner does not receive his food from the Officers' mess, he shall receive the food contents of parcels intended for him, together with facilities and fuel for cooking such food.

**7. Sanitary Conveniences.**

Officer prisoners of war under punishment shall have every reasonable facility for keeping themselves in a state of personal cleanliness. The rooms in which they are confined shall be properly cleaned. Latrines shall be kept clean and odorless. Night stools in the rooms are forbidden, but adequate opportunities for attending to the calls of nature shall be given.

**8. Orderlies.**

Orderlies shall be provided for necessary cooking, policing, etc.

**9. Clothing.**

Officer prisoners of war under punishment shall be allowed such of their clothing as they may reasonably request.

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**Annex 5.****REGULATIONS FOR THE CARRYING OUT OF PUNISHMENTS  
OF PRISONERS OF WAR OTHER THAN OFFICERS IN  
PRISON CAMPS AND MILITARY PRISONS.****1. Housing.**

Rooms shall be sanitary, sufficiently light, dry, well ventilated, and warmed in cold weather. The cubic contents shall at least be  $2\frac{1}{2}$  by  $2\frac{1}{2}$  by  $1\frac{1}{2}$  metres per head. There need be no artificial lighting.

**2. Furniture and Clothing.**

Each room shall be provided with a wooden bed board without a mattress. The bed board shall not be taken from the room. A mattress shall be allowed one night in every four. In the room there shall be a water pitcher and a drinking glass. If washing facilities are not afforded outside of the room, each prisoner of war under punishment shall be furnished a wash basin. They shall be allowed at all times a sufficient number of blankets. They may retain their uniforms and overcoats.

**3. Diet.**

As a punishment, prisoners of war may be put on a bread and water diet. While on bread and water diet they shall receive not less than 500 grams of bread each day and as much drinking water as they wish. Such diet shall not be continued for more than 3 days at a time, nor more than 6 days out of 12 consecutive days; nor more than 12 days in 28; nor more than a total of 80 days in one year. On all other days they shall receive the same full ration as their comrades, including their share of the food supplies received from the designated relief societies. Unless such additional food supplies are turned into the mess for all prisoners together, prisoners of war under punishment shall be granted facilities and fuel for cooking such food on all days on which they are entitled to full ration.

Prisoners of war under punishment who are required to work shall not be put on restricted diet but shall each day receive the same food as their comrades.

Alcoholic beverages and smoking are forbidden.

**4. Outdoor Exercise.**

Prisoners of war under punishment shall be allowed two hours exercise in the open air every day without having communication with their comrades.

**5. Employment.**

Prisoners of war under punishment may be employed on work during the day. Reading and writing shall be permitted.

**6. Correspondence.**

Prisoners of war under punishment shall be allowed to receive and to send the authorized maximum of letters and postcards. However, parcels and money which may be addressed to them shall not be delivered until their punishment has expired. Food stuffs contained in parcels shall be handed over to the prisoners of war mess.

**7. Sanitation.**

Prisoners of war under punishment shall have sufficient facilities for keeping themselves in a state of personal cleanliness. Their rooms shall be properly cleaned. Latrines shall be kept clean and odorless. Night stools in the rooms are forbidden; but sufficient opportunity shall be afforded to attend to calls of nature during the night.

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**Annex 6.****CORRESPONDING TITLES AND RANK OF THE SANITARY PERSONNEL OF THE GERMAN AND AMERICAN LAND AND NAVAL FORCES.**

(Owing to the nature of the subject-matter of Annex 6, we do not deem it of importance and have therefore omitted it.—Editor.)

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**Annex 7.****DEFINITIONS.****1. Prisoners of War.**

The term "prisoners of war" shall comprise those officers, officials, noncommissioned officers and enlisted or enrolled persons, male or female, of all branches and corps of the army, navy and marine corps whether on the active, retired or reserve lists, who are captured while in the active service of the armed forces of their State of Origin. Sanitary personnel are excluded.

**2. Civil Prisoners.**

The term "civil prisoners" shall comprise all citizens or subjects of either Contracting Party held in confinement by the other for any reason except the violation of the penal laws in force in the territories of the Captor State or any of its subdivisions; inclusive of the officers and members of crews of merchant ships, and exclusive of persons coming within the definition of "prisoners of war," or Article 139 or 140.

**3. Officers.**

The term "officer" shall comprise the officers of all corps of the armed forces, military or naval, of the two Contracting Parties and shall include commissioned, warranted, and appointed officers of the United States, "Hilfsoffiziere" of the German navy and officials with the rank of officer in the German army or navy.

**4. Noncommissioned Officers.**

The term "noncommissioned officer" shall include in the American army corporals, and in the German army or navy "Offiziersstellvertreter" and "Beamtenstellvertreter," "Deckoffiziere," "Vize-deckoffiziere," and "Hilfsdeckoffiziere."

**5. State of Origin.**

The term "State of Origin" shall be held to mean:

- (a) with reference to military or naval personnel, the State in whose armed forces they are commissioned, warranted, appointed, enlisted or enrolled;
- (b) with reference to nonmilitary persons, the State with whose armed forces they are exclusively connected.

**6. Invalid and valid Prisoners of War.**

The term "invalid prisoners of war" shall comprise those who are eligible for internment in a neutral country or repatriation under the terms of this Agreement because of physical or mental unsoundness. All other prisoners of war shall be deemed "valid."

**7. Repatriation.**

The term "repatriation" shall, when applied to prisoners of war and sanitary personnel, mean the return to American or German military control; as applied to civilians it is defined in Article 163.

## APPENDIX IX

# Names of Americans Captured During the World War

### ALABAMA

#### Officers

Gilmore, William John, 1st Lt., MG. Co. 327 Inf.  
Staggers, William L., 1st Lt., Med. Corps.  
Tichenor, Caxton H., 1st Lt., 96 Aero Sq.  
Walker, Thompson W., 1st Lt., Co. D 325 Inf.  
Frierson, Samuel Gordon, 2nd Lt., Air Service.

#### Enlisted Men

Autrey, Evans, Co. F 167 Inf.  
Carter, Ollie, Sup. Co. 366 Inf.  
Clements, Sylvester J., Co. F 167 Inf.  
Coate, Lester L., Co. E 167 Inf.  
Edwards, Arthur, Co. A 60 Inf.  
Everitt, Malley A., Co. F 167 Inf.  
Findley, Albert L., Co. G 167 Inf.  
Gallagher, Daniel B., Co. F 16 Inf.  
Gatwood, Millard F., Co. G 167 Inf.  
Hadaway, Richard D., Co. E 167 Inf.  
Hale, Leslie H., Co. B 30 Inf.  
Hayes, Herman, Co. H 372 Inf.  
Hicks, William, Co. F 366 Inf.  
Hill, John W., Co. I 18 Inf.  
Hollingsworth, Robert Lindsay, 268  
Aero Sq.  
Houston, Bill, Co. L 327 Inf.  
Howton, Stanford R. H., Co. A 116  
Inf.

Jones, Frank M., Co. D 327 Inf.  
Jones, John W., Co. M 167 Inf.  
Jones, Lauris T., Co. E 167 Inf.  
Jowers, Jack, Co. E 167 Inf.  
Kallaher, Homer M., Co. L 114 Inf.  
Lane, James A., Co. D 167 Inf.  
McSwain, Milton S., Med. Det. 6 Inf.  
Obar, Elliehue, Co. F 167 Inf.  
Pitts, Joe E., Co. M 23 Inf.  
Poole, Sprugeon F., Co. B 322 Inf.  
Pruitt, James A., Co. F 167 Inf.  
Quinn, Jeff D., Co. F 167 Inf.  
Richburg, John E., Co. B 328 Inf.  
Roberts, John W., Co. G 167 Inf.  
Salmon, Joe, Co. F 167 Inf.  
Shockley, Ius K., Co. K 327 Inf.  
Squires, William J., Co. F 167 Inf.  
Streetman, Perry D., Co. B 324 Inf.  
Striplin, William G., Co. K 327 Inf.

### ARIZONA

#### Officers

None.

#### Enlisted Men

Davis, Lawrence, Co. F 158 Inf.  
Ellinwood, Ralph E., S. S. U 68.  
Heikkinen, Herman, Co. M 56 Inf.  
McCarthy, Joe, Co. D 108 Inf.

Manner, Peter, Hq. Co. 365 Inf.  
Porobich, Ricto, Co. H 128 Inf.  
Quintanilla, Max, Co. D 318 MG. Bn.  
Viala, Emillo, Med. Det. 6th Engrs.

### ARKANSAS

#### Officers

Mathis, Ross, 1st Lt., 102 Inf.

**Enlisted Men**

Adams, George W., Co. A 165 Inf.	Hutchison, William J., Co. F 114 Inf.
Allmond, Emory M., Co. F 7 Inf.	Johnson, Taylor, MG. Co. 109 Inf.
Anderson, James M., Co. B 38 Inf.	Kane, Lrice M., Co. M 127 Inf.
Bell, Lewis Marvin, Co. F 7 Inf.	McElroy, Robert, Co. E 132 Inf.
Bennett, Willie A., Co. E 55 Inf.	Mitcalf, John, Co. K 127 Inf.
Black, Bedy, Co. K 38 Inf.	Neal, Jesse, Co. I 127 Inf.
Black, Willie E., Co. E 110 Inf.	Ozment, Charley, Co. G 163 Inf.
Boatright, John S., Co. L 60 Inf.	Reed, Luther A., Co. A 38 Inf.
Bunch, Frank, Co. M 153 Inf.	Rizley, William M., MG. Co. 132 Inf.
Chandler, Eddie, Co. F 38 Inf.	Sharp, Presley, Co. F 129 Inf.
Frazier, Enos E., Co. K 26 Inf.	Warren, William, MG. Co. 16 Inf.
Huffstetler, DeLoss, Co. A 127 Inf.	

**COLORADO****Officers**

Gile, Harold H., 1st Lt., 49 Aero Sqdn.  
 McKeown, Stuart Ellison, 1st Lt., 95 Aero Sqdn.  
 Wells, Horace, 1st Lt., 104 Aero Sqdn.

**Enlisted Men**

Adams, Benjamin F., Co. H 109 Inf.	Lopaz, Thomas B., Co. E 355 Inf.
Betty, Curtis H., Co. C 5 F. S. Bn.	Peterson, Oscar, Co. C 110 Inf.
Butler, William H., Co. L 354 Inf.	Salazer, Efren, Co. H 110 Inf.
Daly, Harlan S., Co. H 31 Inf.	Projanovich, Stephen A., Co. L 109 Inf.
Forslund, Oscar L., Co. G 11 Inf.	Trussell, William D., Co. E 138 Inf.
Herman, Clemens J., Co. G 11 Inf.	Wojecky, Joseph, Co. C 110 Inf.
Kesler, Harry W., Co. H 133 Inf.	Yarmick, John, Co. H 109 Inf.
Lewman, Ellis R., Co. G 11 Inf.	

**CALIFORNIA****Officers**

Brown, Harry Melford, Maj., 96 Aero Sq.  
 Williamson, Joseph F., Capt., 91 Aero Sq.  
 Haslett, Elmer R. E., 1st Lt., 104 Aero Sq.  
 Jewett, Franklin F., 1st Lt., 216 Aero Sq.  
 Love, Ernest A., 1st Lt., 147 Aero Sq.  
 Woodard, Granville O., 1st Lt., 95 Sq. SC.  
 Adams, James D., 2nd Lt., 91 Aero Sq.  
 Bateman, William H., 2nd Lt., Co. I 357 Inf.  
 Foy, John M., 2nd Lt., Hq. 1 Corps. Ob. Gp.  
 Kendall, Herbert R., 2nd Lt., 49 Aero Sq.  
 McChesney, Harold Archibald, 2nd Lt., 96 Aero Sq.  
 Royce, Walker W., 2nd Lt., 8 Aero Sq.

**Enlisted Men**

Albert, Max, Co. A 30 Inf.	Gaudian, Valentine, Co. C 16 Inf.
Bailey, Edward G. A., Co. A 47 Inf.	Harlow, George W., MG. Co. 23 Inf.
Burnell, Joel L., Co. F 362 Inf.	Hauser, Allen, Co. E 30 Inf.
Christensen, Christ P., Co. L 109 Inf.	Hoover, Austin W., Co. L 125 Inf.
Curtis, Harry E., Co. E 38 Inf.	Hunt, Charles H., Co. F 109 Inf.
Day, Pete M., Co. G 362 Inf.	Keller, Firmer M., Co. F 7 Inf.
Ferreira, Demas C., Co. E 58 Inf.	Kelsey, Karl D., Co. C 2 AA Btry.
Freshour, Rollin G., Co. C 2 Engrs.	Kesler, Albert, Co. K 127 Inf.
Gallan, Dave, Co. A 104 Inf.	Kitching, Walter L., Co. C 363 Inf.

**California—Continued**

Larson, Hans, Co. K 18 Inf.  
 Laursen, John, Co. A 104 Inf.  
 Lee, Morris, Hys. Co. 363 Inf.  
 Machade, John M., Co. G 110 Inf.  
 Maggetti, Peter M., Co. F 109 Inf.  
 Marelli, Louis, Co. F 47 Inf.  
 Meyers, Axel, Co. H 108 Inf.  
 Miller, Everett, Btry. D 18 FA.  
 Mitchell, Ed. A., Co. G 9 Inf.  
 Morris, Lee, Hq. Co. 363 Inf.  
 Munden, Paul A., MG. Co. 364 Inf.  
 Nelson, Harry A., Co. L 307 Inf.  
 Oliphant, Henry D., Co. B 321 Engr.  
 Olsen, Albert, Co. D 16 Inf.  
 Paselk, George M., Co. M 23 Inf.  
 Pomeroy, John W., Co. C 11 MG. Bn.  
 Rhodes, Olien O., Co., G 362 Inf.

Schattenburg, George A., Co. C 344  
 Bn. 1st Tank Brig.  
 Shock, James, Co. C 361 Inf.  
 Smith, Evelyn J., Co. C 127 Inf.  
 Souza, Matheus D., Co. M 18 Inf.  
 Steele, Joseph W., MG. Co. 38 Inf.  
 Steiner, Arthur, Co. I 127 Inf.  
 Studebaker, Roy D., Co. H 18 Inf.  
 Swanton, William H., Co. F 363 Inf.  
 Taylor, Edward M., Co. H 308 Inf.  
 Teichgraber, Albert L., Co. K 127  
 Inf.  
 Torres, John, Co. D 363 Inf.  
 Valentine, Charles A., Co. L 9 Inf.  
 Westrup, Edward G., Co. C 363 Inf.  
 Wilsey, James M., Co. B 324 Inf.

**CONNECTICUT****Officers**

Freeland, George C., Capt., Co. D 102 Inf.  
 Oberlin, Adam Frederick, Capt., Hq. Co. 102 Inf.  
 Strickland, Daniel W., Capt., Co. D 102 Inf.  
 Bushby, Willard E., 1st Lt., Co. D 102 Inf.  
 Jackson, Thomas F., 1st Lt., 119 Inf.  
 Van Schaack, John J., 1st Lt., 100 Aero Sq.  
 Byrd, Benjamin C., 2nd Lt., Co. D 102 Inf.  
 Laird, Clair B., 2nd Lt., 11th Aero Sq.  
 Ogden, John Wilmont, 2nd Lt., 213th Aero Sq.

**Enlisted Men**

Allen, Leslie, Co. D 102 Inf.  
 Allen, Vincent, Co. D 102 Inf.  
 Alfano, Frank J., Co. C 102 Inf.  
 Anderson, Lambert, Co. A 102 Inf.  
 Andrews, Warren L., Co. L 102 Inf.  
 Barbeau, Adillard, Co. G 102 Inf.  
 Barnes, Edwin J., Co. D 102 Inf.  
 Barnes, Percival S., Co. D 102 Inf.  
 Barry, Thomas F., Co. C 102 Inf.  
 Basso, Angelo, Co. D 102 Inf.  
 Bathgate, Jack, Co. C 102 Inf.  
 Bellizzi, Paul L., Co. G 306 Inf.  
 Berger, Thomas, Co. C 308 Inf.  
 Bergman, Harold A., Co. C 102 Inf.  
 Bernier, Alfred, Co. M 308 Inf.  
 Bichum, Tony, Co. D 102 Inf.  
 Bigelow, Lester, Co. D 102 Inf.  
 Birney, Harry E., Co. F 102 Inf.  
 Bisnovich, Israel, Co. A 102 Inf.  
 Bradley, Arthur G., Co. D 103 Inf.  
 Brennan, James J., Co. C 102 Inf.  
 Brightman, Richard A., Co. D 102  
 Inf.  
 Brown, Charles S., Co. A 102 Inf.

Burke, Charles E., Co. K 18 Inf.  
 Butler, Frank, Co. D 102 Inf.  
 Buyanoski, Leo H., Co. D 102 Inf.  
 Cahill, William P., Jr., Co. A 102 Inf.  
 Campotaro, Angelo, Co. A 102 Inf.  
 Carione, Tony, Co. D 102 Inf.  
 Chapman, Augustus H., Co. D 102  
 Inf.  
 Chapman, Robert S., Co. D 9 Inf.  
 Chappa, William J., Co. D 102 Inf.  
 Chase, Karl K., Co. D 102 Inf.  
 Cherniak, Sam, Co. B 328 Inf.  
 Chitty, Fred W., Co. C 102 Inf.  
 Clark, Edward F., Co. D 102 Inf.  
 Clark, Lester R., Co. D 102 Inf.  
 Clark, William P., Co. D 103 Inf.  
 Coffey, Martin F., Co. M 308 Inf.  
 Colburn, Leonard, Co. D 102 Inf.  
 Coleman, James F., Co. C 102 Inf.  
 Collings, Herbert T., Co. D 102 Inf.  
 Collins, John J., Co. B 102 Inf.  
 Collver, George E., Co. D 102 Inf.  
 Couch, Lory M., Co. C 102 Inf.  
 Cronin, John F., Co. C 102 Inf.

## Connecticut—Continued

- Cropper, Charles, Co. C 102 Inf.  
 Curtiss, Eugene Francis, Co. F 102 Inf.  
 Cuzzupoli, Battista, Co. C 102 Inf.  
 D'Anna, Joseph, Co. C 102 Inf.  
 Damaschi, Giacinto, Co. B 102 Inf.  
 Decsi, Albert, Sn. Det. 102 Inf.  
 Demartine, Ernesto, Sn. Det. 102 Inf.  
 DiLullo, Ciriaco, Co. K 326 Inf.  
 Dimicki, Leon, Co. A 102 Inf.  
 Dolan, Harold F., Co. D 102 Inf.  
 Dresser, Erving A., Co. D 102 Inf.  
 Drouin, George E., Co. A 102 Inf.  
 Dunning, Miles S., Co. D 102 Inf.  
 Earls, William J., Co. A 102 Inf.  
 East, Arthur R., Co. C 312 Inf.  
 Farren, James E., Co. B 102 Inf.  
 Fischman, Maurice B., Co. D 102 Inf.  
 Fisher, Clare H., MG. Co. 106 Inf.  
 Floridio, Roscico, Co. K 327 Inf.  
 Fogarty, James J., Co. A 102 Inf.  
 Frasso, John, Co. A 102 Inf.  
 French, Ernest A., Co. D 102 Inf.  
 Gagnon, Antoine J., Co. D 102 Inf.  
 Gesner, Alfred M., Co. D 102 Inf.  
 Goldrick, James C., Co. D 102 Inf.  
 Gontaar, Stanley, Co. L 114 Inf.  
 Gravatt, Chester D., Co. D 102 Inf.  
 Greene, Edward M., Co. D 102 Inf.  
 Gurney, Edward E., Co. D 102 Inf.  
 Hager, Fred, Co. C 102 Inf.  
 Hall, Herbert H., Co. D 102 Inf.  
 Hall, William T., Co. B 102 Inf.  
 Hart, Thomas J., Co. B 102 Inf.  
 Hawley, George L., Co. C 102 Inf.  
 Herdman, Burnett A., Co. C 102 Inf.  
 Hoffman, Karl, Co. F 23 Inf.  
 Hope, James W., Sec. 637 U. S. Amb. Serv.  
 Hopkins, Douglas, Co. D 102 Inf.  
 Houghton, William H., Co. B 6 Engrs.  
 Hyde, Frederic R., Co. D 102 Inf.  
 Jacobs, Ernest C., Co. D 307 Inf.  
 Jamieson, William, Co. B 102 Inf.  
 Johnson, Arthur F., Co. C 102 Inf.  
 Johnson, Arthur S., Co. D 102 Inf.  
 Johnson, Frank L., Co. C 102 Inf.  
 Johnson, Herbert V., Co. D 102 Inf.  
 Joyale, David, Co. L 102 Inf.  
 Kelly, John P., Co. H 102 Inf.  
 Kennedy, Albert M., Co. F 102 Inf.  
 Kenny, Charles B., Co. D 102 Inf.  
 Kirby, Raymond C., Co. C 102 Inf.  
 Kluth, William, Co. C 102 Inf.  
 Knudson, John, Co. D 102 Inf.  
 Korda, Jack Nicalai, Co. B 307 Inf.  
 Kuras, William, Co. H 133 Inf.
- Labriola, Vincenzo, Co. D 102 Inf.  
 Lacourciere, Royal J., Co. L 102 Inf.  
 Lagasse, Joseph Z., Co. D 102 Inf.  
 Lappen, Levi Lewis, Co. I 308 Inf.  
 Latimer, Frank, Co. A 102 Inf.  
 Law, Raymond F., Co. D 102 Inf.  
 Leary, Joseph P., Co. C 102 Inf.  
 Lilly, William J., 104 Amb. Co. 101 Sn. Tn.  
 Lemieux, William P., Co. C 102 Inf.  
 Lundmark, August E., Co. A 102 Inf.  
 McCartin, John T., Co. D 102 Inf.  
 McCarthy, Michael F., Co. A 102 Inf.  
 McDermott, Michael J., Co. D 102 Inf.  
 McDonald, Herbert D., Co. M 313 Inf.  
 McGovern, Charles H., Co. C 102 Inf.  
 McGrath, Joseph S., Sn. Det. 38 Inf.  
 McHugh, George D., Co. D 102 Inf.  
 McNamara, Joseph M., Co. D 102 Inf.  
 Maciewicz, Alex, Co. L 327 Inf.  
 Malenke, Elean, Co. A 102 Inf.  
 Malkowski, Frank, Co. B 102 Inf.  
 Manek, John P., Co. D 102 Inf.  
 Markle, Clifford M., Sn. Det. 102 Inf.  
 Marrone, Hugh P., Co. D 102 Inf.  
 Martone, Michele, Co. L 114 Inf.  
 Marvin, William F., Co. F 102 Inf.  
 Masterson, Harold E., Co. D 102 Inf.  
 Maynard, Albert James, Co. D 102 Inf.  
 Meeker, Clarence G., Co. A 102 Inf.  
 Mete, Pasquale, Co. I 165 Inf.  
 Miller, Frederick H. M., Co. D 102 Inf.  
 Minchella, Rosato, Co. I 327 Inf.  
 Minor, John A., Co. D 102 Inf.  
 Mishiwice, John, Co. B 102 Inf.  
 Mishuk, John, Co. B 308 Inf.  
 Monson, Charles, Co. D 102 Inf.  
 Moquin, Ernest D., Co. D 102 Inf.  
 Moran, James, Co. F 102 Inf.  
 Mulfitano, Francesco, Co. D 102 Inf.  
 Murphy, Earle E., Co. F 102 Inf.  
 Murray, Edward, Co. C 102 Inf.  
 Murray, John L., Co. M 102 Inf.  
 Narowski, Frank, Co. D 102 Inf.  
 Nazzaro, Sam, Co. B 102 Inf.  
 Neitzel, William A., Co. K 116 Inf.  
 Nelson, Claude J., Co. D 102 Inf.  
 Nelson, George, Co. D 102 Inf.  
 Newton, George E., Co. B 102 Inf.  
 Nolan, Edward J., Co. H 113 Inf.  
 Nolan, Joseph P., MD. 102 Inf.  
 Nowoselski, Teodor, Co. D 102 Inf.  
 Oakley, John L., Co. H 113 Inf.  
 O'Connor, Dennis F., Co. F 102 Inf.

## Connecticut—Continued

- O'Connor, William F., Co. F 102 Inf.  
 Olie, Michael M., Co. D 102 Inf.  
 Okula, Alexander, Co. A 104 Inf.  
 Olson, Edward A., Co. D 102 Inf.  
 O'Sullivan, William, Co. D 102 Inf.  
 Owen, Harold, Co. D 102 Inf.  
 Patenaude, Edward A., Sn. Det. 102 Inf.  
 Peccerillo, Louis, Co. D 102 Inf.  
 Penda, Anthony L., Co. D 102 Inf.  
 Perugini, Nicholas, Co. A 102 Inf.  
 Peterson, Paul, Co. C 102 Inf.  
 Petro, John S., Co. D 102 Inf.  
 Plant, Peter F., Co. C 102 Inf.  
 Pope, Edward W., Co. D 102 Inf.  
 Potenza, Tony, Co. A 102 Inf.  
 Przewoznik, Frank, Co. B 110 Inf.  
 Raduzzo, Angelo, Co. G 326 Inf.  
 Reid, Joseph, Co. F 102 Inf.  
 Reynolds, Walter J., Co. D 102 Inf.  
 Riedle, Clarence H., Co. D 102 Inf.  
 Ricci, Michele, Co. D 58 Inf.  
 Roach, Joseph A., Co. C 102 Inf.  
 Roberts, Walter J., Co. D 102 Inf.  
 Robinson, Lionel S., Co. C 102 Inf.  
 Roireau, Alce, Co. F 112 Inf.  
 Rosenkrantz, Charles, Co. A 60 Inf.  
 Rourke, John Frank, Co. D 102 Inf.  
 Sabatini, Joseph, Co. D 102 Inf.  
 Sachs, John, Co. C 102 Inf.  
 Safonte, Joseph, Co. D 102 Inf.  
 Sala, Daniel E., Co. D 102 Inf.  
 Samak, John, Co. D 102 Inf.  
 Savage, Clyde W., Co. B 307 Inf.  
 Schissler, Joseph Julius, Co. F 306 Inf.  
 Schmidt, Joseph Otto, Co. H 307 Inf.  
 Schultz, Carl, Co. F 102 Inf.  
 Sciuollo, John E., Co. F 102 Inf.  
 Scott, Karl R., Co. A 102 Inf.  
 Sexton, James, Co. D 102 Inf.  
 Sharkey, Eugene F., Co. D 102 Inf.  
 Sheehan, John A., Co. F 102 Inf.
- Sherewifski, Alex, Co. D 307 Inf.  
 Shitzko, Alexander, Co. I 308 Inf.  
 Sielari, John, Co. M 316 Inf.  
 Skelsky, John J., Co. H 102 Inf.  
 Sposi, Ernesto, Co. D 102 Inf.  
 Stefanovsky, Alex, Co. D 102 Inf.  
 Steinkamp, Jacob, Co. F 38 Inf.  
 Stewart, Randolph S., Co. D 102 Inf.  
 Sturgeon, Charles F., Co. D 102 Inf.  
 Sudock, Carl, Co. D 102 Inf.  
 Summa, Rocco, Co. L 9 Inf.  
 Svendsen, John, Co. K 327 Inf.  
 Sweeney, Dennis F., Co. C 102 Inf.  
 Szilanskis, Charles J., Co. D 102 Inf.  
 Tamasukas, Rokus, Co. I 115 Inf.  
 Tetrault, Joseph, Co. C 106 Inf.  
 Thompson, George, Co. G 9 Inf.  
 Thompson, Warren E., Co. C 102 Inf.  
 Thorpe, Harry F., Sec. 642 US. Amb. Serv.  
 Tierzien, William P., Co. A 102 Inf.  
 Torok, Stephen L., Co. D 102 Inf.  
 Tortorici, Caspar, Co. A 102 Inf.  
 Trecher, Edward B., Co. D 104 Inf.  
 Troiano, Emily, Co. B 102 Inf.  
 Turning, Ejnar J., Co. C 102 Inf.  
 Umba, Arnold D., Co. C 102 Inf.  
 Verderame, Joseph, Co. D 102 Inf.  
 Viering, Howard C., Co. D 102 Inf.  
 Villwock, Fred W., Co. A 113 Inf.  
 Wall, Patrick, Co. C 102 Inf.  
 Waters, Nelson F., Co. D 102 Inf.  
 Webb, Howard A., Co. C 102 Inf.  
 Wilmot, Gurdon M., Co. C 7 Engrs.  
 Wilsky, Alex, Co. I 102 Inf.  
 Woods, Henry E., Co. D 102 Inf.  
 Zacarevich, Thomas G., Co. G 167 Inf.  
 Zateski, Franciszk, Co. L 23 Inf.  
 Ziegra, Louis R., Co. H 102 Inf.  
 Zwitrosky, Czeslow, Co. D 102 Inf.

## DELAWARE

## Officers

Crawford, George M., 1st Lt., U. S. A. S.

## Enlisted Men

Gray, Vernon L., Co. A 327 Inf.

Black, Joseph F., Co. A 147 Inf.

## PRISONERS OF WAR

## DISTRICT OF COLUMBIA

## Officers

Pedrick, Franklin B., Capt., Med. R. C.  
 Duke, James E., 1st Lt., 96th Aero Sq.  
 Fuller, Thomas J. D., 1st Lt., 135th Aero Sq.  
 Baker, Alfred Baxter, 2nd Lt., 12th Aero Sq.  
 Donaldson, John O., 2nd Lt., A. S. S. R. C.  
 Sanford, James E., 2nd Lt., Co. A 372 Inf.  
 Wise, George T., 2nd Lt., 17th Aero Sq.

## Enlisted Men

Herfurth, August H., Co. E 56 Inf. Murphy, David, Co. K 327 Inf.  
 Kurtz, Leonard P., Co. C 312 Inf. Nesanoic, Frank, Co. B 30 Inf.  
 Lockwood, Homer W., Sec. 637 US. Reiskin, Israel, Co. K 328 Inf.  
 Amb. Serv.

## FLORIDA

## Officers

Cooper, Merion C., Capt., U. S. 20th Aero Sq.  
 Calkins, David C., 1st Lt., Co. G 38 Inf.  
 Oates, William H., 1st Lt., Co. A 102 Inf.  
 Barringer, Harrison Edward, 2nd Lt., Hq. Co. 30 Inf.

## Enlisted Men

Adcock, Charles W., Co. A 102 Inf.	Edmunds, Claude L., Co. D 327 Inf.
Addison, Roman, Co. A 102 Inf.	English, Abner G., Co. A 102 Inf.
Aguilar, Enrique, Co. A 102 Inf.	Green, Johny R., Co. H 38 Inf.
Brooks, James E., Co. A 102 Inf.	Guinn, Robert L., Co. A 102 Inf.
Brooks, James E., Co. A 102 Inf.	Parramore, Abbott W., Co. E 101 Inf.
Coffman, Herman L., Co. A 102 Inf.	Rich, Orrin R., Co. I 324 Inf.
Cumpton, Pierce E., Co. E 102 Inf.	Roberts, William J., Co. K 324 Inf.
Crosby, Herschell K., Co. A 102 Inf.	Scott, Taylor C., Co. A 102 Inf.
Dango, Harry, Co. F 16 Inf.	Stanley, Joe W., Co. D 9 Inf.
Dickinson, Sam, Co. A 102 Inf.	Walker, Harvey C., Co. E 167 Inf.

## GEORGIA

## Officers

McCall, Howard Henry, Jr., Capt., Co. D 327 Inf.  
 Battle, Blanchard B., 1st Lt., 91st Aero Sq.  
 David, Frank C., 1st Lt., Co. M 56 Inf.  
 Kingery, James R., 1st Lt., Co. B 30 Inf.  
 Roberts, Vivian H., 1st Lt., Co. A 151 MG. Bn.  
 Weaver, William Morgan, 1st Lt., Co. A 327 Inf.  
 Burgin, Van Hampton, 2nd Lt., 13th Aero Sq.  
 Smith, Theodore H., 2nd Lt., Co. L 327 Inf.

## Enlisted Men

Allen, Archie B., Co. D 165 Inf.	Dent, Felix H., Co. F 167 Inf.
Barton, Ernest N., Co. E 165 Inf.	Dyer, Kinsey, Co. B 102 Inf.
Carlton, Kay, Co. A 327 Inf.	Ellington, John T., Co. A 151 MG. Bn.
Carter, William H., Co. M 327 Inf.	Ellis, Alvin, Co. L 327 Inf.
Chapman, Lewis P., Co. K 18 Inf.	Farmer, Elard E., Co. B 102 Inf.
Craton, William I., Co. K 38 Inf.	

**Georgia—Continued**

Gammon, Joseph S., Co. B 102 Inf.	Mason, Roy R., Med. Det. 9 Inf.
Greenway, Reed B., Co. B 102 Inf.	Morton, George W., MG. Co. 112 Inf.
Hicks, George Harrison, Co. B 102 Inf.	Payton, Frank, Co. C 328 Inf.
Howard, Major, Co. B 102 Inf.	Price, Ralph, Co. B 102 Inf.
Ireland, Carl A., Co. K 326 Inf.	Rayner, Thomas G., Co. B 102 Inf.
Jenkins, Grady Lanier, Co. G 9 Inf.	Reynolds, Rufus T., Co. K 327 Inf.
Jolley, Oscar K., Co. B 102 Inf.	Smith, Enoch A., Co. K 18 Inf.
Keen, Abraham, Co. B 102 Inf.	Smith, Martin G., Co. B 102 Inf.
McGuffey, Eddie, Co. H 127 Inf.	Stacks, Ronie M., Co. B 102 Inf.
McMichael, Jewell C., Co. K 18 Inf.	West, George E., Co. B 102 Inf.

**HAWAII****Officers**

**Anderson, Robert A., 1st Lt., 40 Aero Sq.**

**Enlisted Men**

None.

**IDAHO****Officers**

None.

**Enlisted Men**

Bowles, Arthur, Co. L 111 Inf.	Murray, William C., Co. H 112 Inf.
Cooper, Luther Arven, Co. E 310 Inf.	Scott, Clifton E., Co. C 128 Inf.
Covert, Parley J., Co. E 308 Inf.	West, Harry, Co. H 308 Inf.
Gamble, Edward D., Co. K 357 Inf.	Woodall, John W., Co. C 111 Inf.
Jess, Henry L., Co. B 308 Inf.	

**ILLINOIS****Officers**

King, John Andrews, Capt., 100th Aero Sq.  
 Davis, Raymond Ellis, 1st Lt., 104th Aero Sq.  
 Dow, Julien N., 1st Lt., Med. R. C.  
 Leonard, Edmund C., 1st Lt., 20 Aero Sq.  
 Rhodes, Carlyle, 1st Lt., 95th Aero Sq.  
 Walter, Martin E., 1st Lt., 2 Bn. 143 Inf.  
 Ashenden, James F., 2nd Lt., 147th Aero Sq.  
 Knotts, Howard Clayton, 2nd Lt., 17th Aero Sq.  
 Nelson, Theodore V., 2nd Lt., Co. E 132 Inf.  
 Winslow, Alan F., 2nd Lt., 94th Aero Sq.

**Enlisted Men**

Alfonso, Angelo, Co. E 132 Inf.	Benson, Charles R., Co. C 132 Inf.
Anderson, Leroy W., Co. I 131 Inf.	Beranek, James M., Co. B 137 Inf.
Anderson, Robert C., Co. A 124 MG. Bn.	Berg, Max, Co. B 110 Inf.
Arnstrom, Gustav H., Co. L 328 Inf.	Berglund, Clarence A., Co. C 111 Inf.
Augustyniak, Peter, Co. E 47 Inf.	Biercz, Adolph, Co. C 132 Inf.
Barenfinger, Edward H., Co. G 128 Inf.	Blase, William H., Co. E 132 Inf.
	Blomquist, David, Co. D 131 Inf.
	Bowen, William, Co. B 60 Inf.

## Illinois—Continued

- Bower, John W., Co. A 124 MG. Bn.  
 Bretschneider, Frank, Co. L 9 Inf.  
 Buehrer, John G., Co. L 125 Inf.  
 Bullock, William J., Co. C 127 Inf.  
 Bybee, Glenn D., Co. D 102 Inf.  
 Campbell, Ralph, Co. B 102 Inf.  
 Capstick, Richard J., 2nd Tank Brig.  
 Cargill, Fred C., Co. A 327 Inf.  
 Carlson, Frans O., Co. D 58 Inf.  
 Clanahan, Harmon, Co. F 357 Inf.  
 Clark, Lee D., Co. B 102 Inf.  
 Cleland, Charles E., Co. F 132 Inf.  
 Cline, Laurence R., Co. H 119 Inf.  
 Coe, Albert S., Co. C 111 Inf.  
 Coe, George B., Co. C 111 Inf.  
 Cottrell, Harry L., Co. A 124 MG. Bn.  
 Cox, Bert M., Co. F 132 Inf.  
 Cox, Robert D., Co. G 139 Inf.  
 Danielwicz, Stanislaw, Co. G 132 Inf.  
 Davis, Harry R., Co. C 132 Inf.  
 Davis, Joseph A., Co. L 109 Inf.  
 Davidson, William H., Co. A 124 MG.  
     Bn.  
 DeClark, Benedict, Co. G 137 Inf.  
 Dermody, Charles Daniel, Co. F 132  
     Inf.  
 Dicelle, Nick, Co. I 360 Inf.  
 Dickerson, Earl, Co. E 315 Engrs.  
 Dobberman, Harry W., Co. D 34 Inf.  
 Domrose, Paul K., Co. C 111 Inf.  
 Donovan, John P., Co. L 356 Inf.  
 Douglas, Frank A., Co. L 327 Inf.  
 Dufka, Frank, Co. E 23 Inf.  
 Dwight, Charles F., Co. L 56 Inf.  
 East, Arthur R., Co. C 312 Inf.  
 Eldon, John F., Co. F 129 Inf.  
 Fedeli, Natali, Co. A 6 Inf.  
 Felt, Harry, Co. D 130 Inf.  
 Fleming, John F., Med. Dept. 342  
     FA.  
 Foreman, George F., Co. E 132 Inf.  
 Fortener, Bruno, Co. E 4th Inf.  
 Fowler, David B., Co. G 139 Inf.  
 Frohn, Bernard, Co. B 102 Inf.  
 Funk, William S., Co. F 359 Inf.  
 Gedwill, Mike, Co. C 309 Inf.  
 Gerkin, Emil, Co. B 102 Inf.  
 Godfrey, Herschel, Co. F 16 Inf.  
 Goedelman, Harry C., Co. B, 102 Inf.  
 Grider, Thomas E., Co. C 16 Inf.  
 Grimes, Manley, Co. E 119 Inf.  
 Grodecki, Raymond, Co. D 103 Inf.  
 Gustafson, Herman Theodore, Co. C  
     343 Inf.  
 Halpin, Jeremiah J., Co. F 16 Inf.  
 Hamilton, Henry J., Co. F 132 Inf.  
 Harmon, Simon P., Co. B 102 Inf.  
 Hasenfelt, Frank C., Co. A 124 MG.  
     Bn.  
 Healy, Leroy M., Co. K 132 Inf.  
 Henry, Walter H., Co. H 132 Inf.  
 Hetzinger, Charles, Co. B 102 Inf.  
 Holtz, Fred J., Co. E 129 Inf.  
 Hotchkiss, Walter J., Co. G 131 Inf.  
 Howard, Roy Emerson, Co. A 124  
     MG. Bn.  
 Hritzay, Alex, Co. E 357 Inf.  
 Hulbert, Merritt J., Co. A 124 MG.  
     Bn.  
 Janik, Leo, Co. A 64 Inf.  
 Jennings, Edward J., Co. F 132 Inf.  
 Johnson, Martin A., Hqs. Co. 128  
     Inf.  
 Judnich, Jacob, Co. I 18 Inf.  
 Kanne, William, Co. K 131 Inf.  
 Kavatski, Joseph, Co. F 129 Inf.  
 Kinman, Charles F., Co. A 311 Inf.  
 Kleffner, Werner Henry, Co. H 119  
     Inf.  
 Kocurek, Frank, Co. B 132 Inf.  
 Koijane, Frank A., Co. G 132 Inf.  
 La Barbera, Luigi, Co. F 132 Inf.  
 Lauver, Francis W., Co. D 358 Inf.  
 Lepton, John P., Co. B 131 Inf.  
 Leshnick, Jack, Co. G 4 Inf.  
 Lestina, Frank, Co. I 127 Inf.  
 Lewis, Sam M., Co. F 129 Inf.  
 Long, Howard C., Co. B 102 Inf.  
 Loughman, Harry R., Co. F 16 Inf.  
 Ludwig, Jerome, Co. C 316 Inf.  
 McCombs, Aldus, Co. F 129 Inf.  
 McGrath, John R., Co. F 132 Inf.  
 McLaughlin, Harold W., Co. E 132  
     Inf.  
 MacRae, John, Jr., Co. C 18 Inf.  
 Mabry, William E., Co. F 130 Inf.  
 Machules, Frank, Co. A 28 Inf.  
 Maggio, Rosario, Co. F 132 Inf.  
 Mambourg, Frank, Co. L 131 Inf.  
 Marcinkiewicz, John, Co. G 132 Inf.  
 Marquis, Carl J., Co. E 132 Inf.  
 Martin, Joseph F., Co. H 58 Inf.  
 Martin, William B., Co. C 316 Inf.  
 Meinhardt, John M., Co. E 138 Inf.  
 Miller, John, Co. K 127 Inf.  
 Miller, John J., Co. E 132 Inf.  
 Milligan, Homer, Co. A 124 MG. Bn.  
 Miner, Frank, Co. F 7 Inf.  
 Morris, Charles, Co. B, 370 Inf.  
 Muhlike, Owen H., Co. G 131 Inf.  
 Murphy, Don C., Sec. 642 US. Amb.  
     Serv.  
 Mysliwicz, Fabian, Co. B 132 Inf.  
 Nakos, James S., Co. F 129 Inf.  
 Ohanian, Ohanis, Co. G 132 Inf.  
 Olson, Carl V., Co. G 309 Inf.  
 Olson, Fred S., Co. C 58 Inf.  
 Olson, George W., Co. A 312 Inf.

## Illinois—Continued

- Palusiak, Steve, Co. G 38 Inf.  
 Patterson, Dennis, Co. K 18 Inf.  
 Pecyna, Joseph, Co. C 6 Engrs.  
 Perakis, John, Co. I 132 Inf.  
 Perrone, Frank, Co. F 132 Inf.  
 Pezzo, Thomas, Co. K 18 Inf.  
 Plambeck, Fred F., Hq. Co. 128 Inf.  
 Popelier, Otto, Co. C 343 Inf.  
 Price, Lory L., Co. B 311 Inf.  
 Rasori, Guiseppe, Co. F 132 Inf.  
 Reed, Joseph F., Co. C 6 Inf.  
 Reiners, Alwin, Btry. D 18 FA.  
 Rettinger, Martin A., Co. G 131 Inf.  
 Robertson, William D., Co. L 56 Inf.  
 Rocco, Herman, Co. E 308 Inf.  
 Rood, Frank W., Co. A 124 MG. Bn.  
 Rorah, Clyde E., Co. B 131 Inf.  
 Samson, Walter R., Co. E 132 Inf.  
 Sanford, Guy R., Co. L 327 Inf.  
 Scheetz, Arthur J., Co. A 327 Inf.  
 Schwab, Edward A., Co. G 131 Inf.  
 Scott, Herschell, Co. G 119 Inf.  
 Serkowski, Felix, Co. E 129 Inf.  
 Shields, Edward J., Co. K 327 Inf.  
 Short, Rolland P., Co. A 124 MG.  
     Bn.  
 Skidmore, Joseph Benjamin, Co. H  
     119 Inf.  
 Smerles, James, Co. F 132 Inf.  
 Smith, Grover W., Co. D 18 MG. Bn.  
 Smith, John C., Co. E 365 Inf.  
 Smith, John F., Co. F 7th Inf.  
 Smorowski, John P., Co. I 18 Inf.  
 Snow, Fred, Co. M 39 Inf.  
 Soterakopoulos, Simon, Co. C 132 Inf.  
 Sowa, Albert, Co. C 127 Inf.  
 Spohr, Ernest C., Co. L 354 Inf.  
 Steineke, Alvin J., Co. M 56 Inf.  
 Stepanek, Jerry M., Co. D 132 Inf.  
 Stepien, John, Co. F 132 Inf.  
 Strandgard, Richard, Co. F 359 Inf.  
 Street, John C., Co. C 111 Inf.  
 Swanson, Hjalmer, Co. D 309 Inf.  
 Switzer, William, Co. K 128 Inf.  
 Szypszak, Andrew, Co. K 127 Inf.  
 Tappenbeck, Paul C., Co. F 129 Inf.  
 Taylor, Otis H., Co. A 124 MG. Bn.  
 Tinglum, Olaf H., Co. B 132 Inf.  
 Torset, Alfred O., Co. G 131 Inf.  
 Treskett, Arthur E., Co. I 356 Inf.  
 Tuttle, John S., Co. A 124 MG. Bn.  
 Ulrich, Henry W., Co. G 119 Inf.  
 Vancil, Ollie E., Co. B 102 Inf.  
 Vanis, Anton J., Co. D 339 Inf.  
 Venditti, Quirino, Co. L 56 Inf.  
 Villano, Ralph D., Co. G 131 Inf.  
 Wahlgren, George H., Co. D 130 Inf.  
 Walton, Ralph J., Co. B 102 Inf.  
 Ward, James T., Co. B 102 Inf.  
 Weber, Otto A., Co. B 132 Inf.  
 Wenckus, Paul J., Co. F 132 Inf.  
 Wesley, James, Co. G 131 Inf.  
 Whipple, Walter, Co. B 102 Inf.  
 Wilhoit, Cecil E., Co. B 102 Inf.  
 Wilson, Frank H., Co. C 56 Inf.  
 Wilwers, Nick, Co. F 132 Inf.  
 Winemiller, Arthur N., Co. K 9 Inf.  
 Woodman, Arthur, Co. C 2nd Engrs.  
 Wygant, John R., Co. L 9th Inf.  
 Young, David S., Co. F 356 Inf.  
 Zanetos, Paul, Co. M 132 Inf.  
 Zeman, Ignatz, Co. C 59 Inf.  
 Zeman, Jack M., Co. F 132 Inf.  
 Zukowski, John, Co. G 132 Inf.  
 Zygmund, Martin, Co. C 132 Inf.

## INDIANA

## Officers

- Bash, Henry Edwin, 1st Lt., 91st Aero Sq.  
 Baer, Paul Frank, 1st Lt., 103rd Aero Sq.  
 Mooney, William H., 1st Lt., 126th Aero Sq.  
 Wakefield, Walter J., 1st Lt., Co. F 359th Inf.  
 Wiser, Guy Brown, 2nd Lt., 20th Aero Sq.

## Enlisted Men

- Barnard, Walter W., Co. C 301 Tank  
     C.  
 Baziluk, Kalistrab, Co. B 7 MG. Bn.  
 Butkas, Joseph, Co. A 111 Inf.  
 Chinske Alex J., Co. B 102 Inf.  
 Clingerman, John E., Co. A 104 Inf.  
 Dailey, James W., 301 Tank C.  
 Decker, Hoyt D., Co. F 16 Inf.  
 Doane, Charles H., Co. L 61 Inf.  
 Driskil, Clyde E., Co. L 165 Inf.  
 Dubois, John W., Hq. Co. 128 Inf.  
 Endsley, Clarence F., Co. I 7 Inf.  
 Fetter, Ben A., Hq. Co. 30 Inf.  
 Friend, John Arthur, Co. A 18 Inf.  
 Graham, Paul H., Co. C 101 Fld.  
     Sig. Bn.

**Indiana—Continued**

Hancock, Velsey Elwood, Co. F 47 Inf.  
 Hargrove, Jesse, Co. A 102 Inf.  
 Harrison, Russell C., Sec. 580 US. Amb. Serv.  
 Hessig, Andrew J., Co. B 7 Inf.  
 Hetrick, Laurn, Co. C 4 Inf.  
 Hickman, Fred C., Co. C 5th MG. Bn.  
 Kaiser, Charlie, Co. G 112 Inf.  
 Kath, Otto, Med. Det. 357 Inf.  
 Kelly, Dallie, Co. I 166 Inf.  
 Lamb, Harry, Co. F 4 Inf.  
 McCurry, William L., Co. F 359 Inf.  
 Manford, Raymond, MG. Co. 112 Inf.  
 Mohler, Ed R., Co. C 301 Inf.  
 Morgan, James, Co. E 16 Inf.  
 Nierman, Harry L., Co. A 165 Inf.  
 Ohara, Harry R., Co. B 6th Engr.  
 Osborn, William H., Co. C 316 Inf.  
 Pottschmidt, Alfred C. W., Co. B 316 Inf.

Phipps, Harvey, MG. Co. 30 Inf.  
 Rainforth, Herschel M., Co. H 112 Inf.  
 Recko, Jack, Co. H 308 Inf.  
 Schuette, Fred O., Co. G 112 Inf.  
 Scott, Hiram, Co. I 7 Inf.  
 Spencer, Gernie J., Co. B 102 Inf.  
 Stephenson, Delbert, San. Det. 109 Inf.  
 Stevens, Leonard D., Co. C 128 Inf.  
 Sturgeon, Charles, Co. G 112 Inf.  
 Tann, William, Co. G 112 Inf.  
 Templeton, Jess H., Co. G 112 Inf.  
 Thorlton, Orville, Co. G 112 Inf.  
 Trueblood, Walter R., Co. K 125 Inf.  
 Vanoost, Ernest, Co. G 112 Inf.  
 Warnick, Claude R., Co. G 112 Inf.  
 Weddington, Maurice L., Co. C 7 Engrs.  
 Williams, George N., Btry E 15 FA.  
 Wilmer, Frank J., Co. I 166 Inf.

**IOWA****Officers**

Hall, James N., Capt., Sig. C.  
 Fitzpatrick, John, 1st Lt., Co. G 327 Inf.  
 McDonald, Durward Lowrie, 1st Lt., 96th Aero Sq.  
 Scroggile, Eugene R., 1st Lt., 94th Aego Sq.  
 Young, Clarence M., 1st Lt., AS. Sig. C.  
 Schafer, Walter B., 2nd Lt., Co. G 168 Inf.  
 Strong, Alfred Ray, 2nd Lt., 96th Aero Sq.

**Enlisted Men**

Adams, John E., Co. M 110 Inf.  
 Alexander, Hugh C., Co. F 132 Inf.  
 Baker, Frank L., Co. C 168 Inf.  
 Baker, Nealy R., Co. F 132 Inf.  
 Becker, Glenn R., Co. F 132 Inf.  
 Bellmer, Harold E., Co. C 59th Inf.  
 Black, Homer E., Co. D 316 Inf.  
 Boland, Leo Charles, Co. D 102 Inf.  
 Boston, Everett, Co. F 132 Inf.  
 Bromander, Carl A., Co. B 316 Inf.  
 Brown, Edward R., Co. F 129 Inf.  
 Bullock, Floyd M., Co. C 316 Inf.  
 Bunk, Dick, Co. F 132 Inf.  
 Carter, Burton Reuben, Co. F 132 Inf.  
 Chambers, Harry E., Co. I 168 Inf.  
 Chrisman, Harry J., Co. K 109 Inf.  
 Christensen, James, Co. F 132 Inf.  
 Connors, Lawrence, Co. E 350 Inf.  
 Counley, William J., Co. C 316 Inf.  
 Courtney, Charles C., Co. C 316 Inf.  
 Crawford, Michael J., Co. C 316 Inf.  
 Curley, Herman N., Co. F 132 Inf.  
 Davenport, Frank C., Co. A 139 Inf.  
 Deal, Robert D., Co. F 129 Inf.  
 Dickson, Ervin G., Co. H 38 Inf.  
 Elliott, Harvey A., MD 357 Inf.  
 Erikson, Axel G., Co. C 316 Inf.  
 Faber, Lawrence V., Co. E 350 Inf.  
 Fairchild, Herbert Elver, Co. L 131 Inf.  
 Fleming, William J., Co. C 168 Inf.  
 Franklin, John H., Co. G 139 Inf.  
 Gersema, Martin J., Co. E 315 Engr.  
 Gerstenberger, Joe, Co. D 325 Inf.  
 Glasgow, Harold, Co. A 139 Inf.  
 Goeka, George A., Co. E 139 Inf.  
 Grasso, Alfredo, Co. A 139 Inf.  
 Hagen, Glenn Alvin, Co. F 119 Inf.  
 Halverson, Albert, Co. D 102 Inf.  
 Hansen, Lars, Co. H 119 Inf.  
 Harris, Edward, Co. C 316 Inf.  
 Herigon, August H., Co. L 327 Inf.  
 Iwen, Herman E., Co. D 325 Inf.  
 Johnson, Clarence R., Co. B 316 Inf.  
 Karns, Jesse U., Co. A 139 Inf.

## Iowa—Continued

Kellen, William A., Co. K 307 Inf.  
 Klinker, John, Co. G 137 Inf.  
 Kuch, Roy E., Co. A 102 Inf.  
 Laird, Ralph J., Co. E 350 Inf.  
 Larson, Axel H., Co. I 7 Inf.  
 Lille, Albert E., Co. C 316 Inf.  
 McCoy, Leonard D., Co. C 59 Inf.  
 McFawn, Loris D., Co. E 315 Engrs.  
 McGaughey, Mathias W., Co. E 128 Inf.  
 McPhail, Harry, Sup. Co. 366 Inf.  
 Matchett, James D., Co. I 168 Inf.  
 Meyers, Richard L., Co. A 139 Inf.  
 Mikel, Roy A., Co. H 359 Inf.  
 Mitchell, Frank A., Co. H 58 Inf.  
 Murphy, Joseph J., Co. E 315 Engrs.  
 Nelson, Victor A., Co. E 350 Inf.  
 Nicholls, Harry, Co. E 315 Engrs.  
 Ohara, James E., Co. F 132 Inf.  
 Osing, John H., Co. A 139 Inf.  
 Pechstein, Conrad A., Co. A 139 Inf.  
 Perrin, John H., Co. E 58 Inf.  
 Phillips, Joseph H., Co. B 316 Inf.

Rapp, Elmer H., Co. M 328 Inf.  
 Reese, James W., Co. D 102 Inf.  
 Remy, Clarence M., Co. B 358 Inf.  
 Risvold, Selmer A., Co. C 316 Inf.  
 Rosburg, Herman F., Co. F 132 Inf.  
 Ryan, Burton Ray, Co. H 119 Inf.  
 Sauer, Elmer E., Co. D 325 Inf.  
 Scott, John W., Co. D 140 Inf.  
 Scully, Joe, Co. I 117 Inf.  
 Shaffer, Charles M., Co. L 316 Inf.  
 Shirer, Fred, Co. A 139 Inf.  
 Smith, John E., Co. I 168 Inf.  
 Stacy, Leston W., Co. K 327 Inf.  
 Stoker, Melber B., Co. D 18 Inf.  
 Stubbs, Roscoe H., Co. I 117 Inf.  
 Thompson, Truman L., Co. A 327 Inf.  
 Thorsheim, Elmer M., MG Co. 16 Inf.  
 Vandervelde, John, Co. K 127 Inf.  
 Vauble, Norvel H., Co. C 316 Inf.  
 Wolfe, Clifford W., Amb. Co. # 635.  
 Wyatt, Carl E., Co. F 132 Inf.  
 Zoffka, John H., Co. B 316 Inf.

## KANSAS

## Officers

Brodie, Clarence Alexander, 1st Lt., 13th Aero Sq.  
 Brown, Ben E., 1st Lt., 28th Aero Sq.  
 Garvie, Hugh A., 1st Lt., 139th Aero Sq.  
 McManigal, John W., 1st Lt., Co. H 139 Inf.  
 Sumner, Harlan R., 1st Lt., 139th Aero Sq.  
 Gesner, Chas. R., 2nd Lt., Co. D 137 Inf.  
 Millspaugh, Robert G., 2nd Lt., Co. A 102 Inf.  
 Thomas, Roy, 2nd Lt., Co. F 140 Inf.

## Enlisted Men

Ambler, Clem H., Co. G 137 Inf.  
 Beck, Arthur A., Co. G 137 Inf.  
 Bell, James J., Co. B 102 Inf.  
 Case, Axel H., Co. D 137 Inf.  
 Covert, Louis S., Co. G 139 Inf.  
 Creamer, Forrest H., Co. G 139 Inf.  
 Crocker, Clyde T., Co. A 139 Inf.  
 Cubbison, Robert E., Co. B 353 Inf.  
 Davolt, Lewis Redman, Co. G 112 Inf.  
 Dial, Lawrence E., Co. G 137 Inf.  
 Donnelly, James O., Co. A 140 Inf.  
 Dyson, Melvin, Co. H 139 Inf.  
 Elliott, John S., Co. A 137 Inf.  
 Evers, John F., Co. B 140 Inf.  
 Fowler, William W., Co. E 137 Inf.  
 Gillenwater, Turner C., Co. D 137 Inf.  
 Glavin, Michael Edward, Co. D 137 Inf.

Graves, John F., Co. F 139 Inf.  
 Griffiths, Lester, Co. B 140 Inf.  
 Grimsley, Clyde I., Co. F 16 Inf.  
 Hammer, Nelson E., Co. A 137 Inf.  
 Harmon, John E., Co. G 137 Inf.  
 Harris, Cecil J., Co. F 4 Inf.  
 Hewitt, Harry M., Co. C 30 Inf.  
 Hoffman, Conrad, Co. C 137 Inf.  
 Hoover, Ora, 110 Engrs.  
 Horn, Edd M., Co. G 167 Inf.  
 Johnston, Vearl V., Co. G 139 Inf.  
 Jones, Edgar L., Co. A 139 Inf.  
 Jossi, Louis, Co. F 139 Inf.  
 King, Fred W., Co. E 137 Inf.  
 LaDow, Aubrey L., Co. G 139 Inf.  
 Lawrence, Harold G., Co. K 168 Inf.  
 Leech, Clement, Co. E 137 Inf.  
 Lindsay, John C., Co. E 128 Inf.  
 Lukens, Archie McDougal, Co. H 353 Inf.

## Kansas—Continued

Lumm, Earl L., Co. F 139 Inf.  
 Machen, John E., Co. H 139 Inf.  
 Marzolf, Milton J., Co. G 139 Inf.  
 Morris, Elmer, Co. C 30 Inf.  
 Mussett, James R., Co. E 137 Inf.  
 O'Farrell, William W., Co. A 137 Inf.  
 Park, Charles E., Co. B 137 Inf.  
 Parsons, John H., Co. G 138 Inf.  
 Peters, Leslie L., Co. E 139 Inf.  
 Peterson, Harry T., Co. A 137 Inf.  
 Pillmore, Edison A., Co. H 38 Inf.  
 Plante, Joseph P., Co. C 140 Inf.  
 Poindexter, John W., Co. D 38 Inf.  
 Prosser, Emmit J., Med. Det. 9 Inf.  
 Randall, Fred, Co. C 137 Inf.  
 Rogers, William A., Co. L 140 Inf.  
 Ross, Earl W., Hq. Co. 137 Inf.  
 Schisler, John, Co. E 103 Inf.

Sitz, Albert Rudolph, Co. L 140 Inf.  
 Steele, Homer J., Co. B 2 Engr.  
 Stoffle, Herbert F., San Det 139 Inf.  
 Stutman, Willard H., Co. F 137 Inf.  
 Timbrook, Lawrence V., Co. H 354 Inf.  
 Timmons, Hobert, Co. E 137 Inf.  
 Troutman, LaFayette L., Co. A 7 Inf.  
 Tullis, Harvey W., Co. I 139 Inf.  
 Uhlenhop, Henry, Jr., Co. F 38 Inf.  
 Vail, Elmer W., Co. G 137 Inf.  
 Vanwinkle, Earl B., Co. A 139 Inf.  
 Veit, Fred W., Co. C 316 Inf.  
 Viles, Alson L., Co. L 140 Inf.  
 Ward, Paul, Co. G 139 Inf.  
 Willard, Carl R., Co. G 137 Inf.  
 Wood, Ernest C., Co. B 353 Inf.

## KENTUCKY

## Officers

Gray, Edward W., 2nd Lt., Co. I 7 Inf.

## Enlisted Men

Alcorn, Claud, Co. D 39 Inf.  
 Baker, Frank, Co. F 165 Inf.  
 Bell, Sevier F., Co. C 127 Inf.  
 Beliles, Homer, Co. E 56 Inf.  
 Bennett, Edward, Co. I 9 Inf.  
 Bevins, Robert, Co. A 102 Inf.  
 Billingsley, Roy W., Co. A 30 Inf.  
 Botts, John, Co. H 4 Inf.  
 Boling, Thurman, Co. D 128 Inf.  
 Boyd, Ray W., Co. M 128 Inf.  
 Burns, Elisha, Co. I 166 Inf.  
 Busker, Bernard C., Co. F 7 Inf.  
 Cole, John, Co. F 7 Inf.  
 Corney, Charles, Co. D 147 Inf.  
 Crawford, Guy, MG Co. 38 Inf.  
 Dizney, Samuel, Co. K 110 Inf.  
 Edwards, Claude H., Co. D 102 Inf.  
 Gibons, Bill, Co. M 28 Inf.  
 Glenn, Martin S., Co. K 127 Inf.  
 Goff, Carl E., Co. A 6 Inf.  
 Haines, Samuel E., Hq. Co. 128 Inf.  
 Jackson, Claude, Co. I 166 Inf.  
 Jones, Walter D., Co. L 52 Inf.  
 Kaiser, Irvin J., Co. A 102 Inf.  
 Kirkman, George E., Co. G 6 Inf.  
 McClure, Alphous H., Co. K 128 Inf.  
 McFeat, John, MG Co. 30 Inf.  
 Morris, William E., Co. F 38 Inf.  
 Nally, Joseph R., Co. C 327 Inf.

Owens, Robert, Co. A 18 Inf.  
 Pendley, Lewis C., Co. L 111 Inf.  
 Perry, Aaron, Hq. Co. 128 Inf.  
 Piland, Gip, Co. I 166 Inf.  
 Popplewell, Archie C., Co. F 7 Inf.  
 Powell, John, Co. E 26 Inf.  
 Probst, Louis B., Co. G 6 Inf.  
 Reed, Eastland W., Co. M 31 Inf.  
 Scott, Lonnie, Co. D 32 Inf.  
 Smith, Benjamin H., Co. H 340 Inf.  
 Smith, Weller, Co. C 6 Inf.  
 Spicer, James, Co. A 128 Inf.  
 Stigall, Joe, Co. C 128 Inf.  
 Sword, Adam, Co. I 60 Inf.  
 Taylor, Orval, Co. D 102 Inf.  
 Terrell, Charles G., Co. D 128 Inf.  
 Thomas, James Robert, Co. G 112 Inf.  
 Thweatt, Vandean, Co. B 102 Inf.  
 Tieman, Carlisle, Sup. Co. 18 Inf.  
 Tolbertt, William O., Co. B 102 Inf.  
 Triplett, Johnnie, Co. G 339 Inf.  
 Trowell, John S., Co. D 16 Inf.  
 Warder, Joseph F., Co. K 328 Inf.  
 Watkins, David L., Med Det 9 Inf.  
 White, Nat P., Co. A 28 Inf.  
 Whitehead, Lee H., Co. C 5 MG. Bn.  
 Whitlock, Clarence E., Co. F 7 Inf.  
 Wilson, John, Co. F 61 Inf.

**LOUISIANA****Officers**

**Cousins, William Schuyler, 1st Lt., 13 Aero Sq.**

**Enlisted Men**

Arsemont, Jules D., Co. F 7 Inf.	Koepp, James L., Co. I 127 Inf.
Bordelon, Nester P., Co. D 128 Inf.	Lee, Jesse, Co. B 102 Inf.
Brown, Sidney E., Co. F 7 Inf.	Lockwood, Wilbert E., Co. C 23 Inf.
Camos, Joseph P., Co. A 128 Inf.	Long, Vivian, Co. E 58 Inf.
Cooper, Oscar, Co. K 116 Inf.	Mestayer, Edward, Co. A 128 Inf.
Daigle, Edgar J., Co. D 18 Inf.	Miller, Ivey D., Co. H 101 Inf.
Delahoussaye, Clarence J., Co. A 128 Inf.	Mitchell, Levi, Co. B 102 Inf.
Dial, Hugh, Co. C 30 Inf.	Parson, George H., Co. H 38 Inf.
Farmer, Joseph H., Co. C 128 Inf.	Phillips, Derwood, Co. C 23 Inf.
Fleming, Van R., Co. C 30 Inf.	Reitzell, Frank, Co. K 26 Inf.
Jackson, Dock, Co. B 102 Inf.	Wolf, Charles, Co. A 125 Inf.

**MAINE****Officers**

**Kane, Howard Francis, Capt., Med. Corps.**  
**Holbrook, Albert D., 2nd Lt., Co. M 23 Inf.**

**Enlisted Men**

Argraves, Mark E., Co. M 101 Inf.	Pace, James F., Co. F 148 Inf.
Cluckey, George A., Co. E 103 Inf.	Snowman, Willis E., Sec. 594 US Amb. Serv.
Daigle, Levite R., Co. B 325 Inf.	Tripp, Percy George, Co. F 38 Inf.
Gagnon, Louis P., 2nd Tank Brig.	Wilkins, C. H. Bray, Co. B 325 Inf.
Hellum, Arthur C., Co. D 102 Inf.	
Langlais, Alfred L., Co. E 38 Inf.	

**MARYLAND****Officers**

**Tipton, William D., 1st Lt., 17 Aero Sq.**  
**Hassencamp, Paul Reinhart, 2nd Lt., Co. K 116 Inf.**

**Enlisted Men**

Booker, William M., Co. L 327 Inf.	Novinck, Kastantin, Co. C 316 Inf.
Cantner, Harvey E., Co. B 325 Inf.	Orr, Lawrence A., Co. M 313 Inf.
Carrick, Arthur B., Co. B 325 Inf.	Raisler, Frederick, Co. M 313 Inf.
Custer, Thomas, Co. L 111 Inf.	Reeside, Henry, Jr., Co. L 128 Inf.
DePersio, Augusti, Co. F 38 Inf.	Reich, Louis E., MG Co. 109 Inf.
Dietz, Henry E., Co. A 126 Inf.	Saffran, Raymond, Co. M 109 Inf.
Doemling, Joseph F., Co. A 313 Inf.	Scherbin, Stephen M., Co. I 101 Inf.
Dorn, Joseph, Co. D 327 Inf.	Sentz, Francis E., Co. M 313 Inf.
England, William H., Co. E 313 Inf.	Shields, Shelby T., Co. I 155 Inf.
Filbey, Edgar J., Co. H 115 Inf.	Shipley, Milton, Co. B 325 Inf.
Frech, George W., Co. E 313 Inf.	Suhocki, Walter, Co. A 4 Inf.
Hammond, Clarence W., Co. E 110 Inf.	Tzinski, Walter C., Co. A 313 Inf.
McDowell, William Henry, Co. K 327 Inf.	Warne, Wilford, Co. A 327 Inf.

## MASSACHUSETTS

## Officers

Leyson, Burr W., Capt., AS. Sig. C.  
 Chapin, Roger F., 1st Lt., 11 Aero Sq.  
 Chalmers, William W., 1st Lt., 94 Aero Sq.  
 Chesbro, Phillip Gordon, 1st Lt., Co. I 327 Inf.  
 Clark, Arthur L., 1st Lt., 24 Aero Sq.  
 Codman, Charles R., 1st Lt., 96 Aero Sq.  
 Freeman, Harry B., 1st Lt., 13 Aero Sq.  
 Heinrichs, Waldo H., 1st Lt., 95 Aero Sq.  
 Hobbs, Marland C., 1st Lt., Co. L 104 Inf.  
 Kelton, Elihu Howard, 1st Lt., 185 Aero Sq.  
 MacLure, Henry G., 1st Lt., 139 Aero Sq.  
 Martin, Daniel A., 1st Lt., 79 Aero Sq.  
 Payne, Karl C., 1st Lt., 20 Aero Sq.  
 Raymond, Robert F., 1st Lt., 27 Aero Sq.  
 Shea, Thomas P., 1st Lt., Co. D 104 Inf.  
 Smith, John H., 1st Lt., Btry. C 107 FA.  
 Woods, George B., 1st Lt., 28 Aero Sq.  
 Ferguson, Crawford J., 2nd Lt., 104 Inf.  
 Hurley, Charles J., Jr., 2nd Lt., 316 Inf.

## Enlisted Men

Aguiar, Antone M., Jr., Co. D 325 Inf.	Caverly, Harry C., Med Det 102 MG Bn.
Allen, Norman, Co. G 306 Inf.	Chardy, Joseph E., Co. C 110 Inf.
Anthowisk, Frank J., Btry B 102 FA	Chevalier, Edward, Co. G 306 Inf.
Argyropole, Antonios, Co. C 60 Inf.	Cleary, Joseph B., MD 4th Inf.
Barrett, Ernest T., Co. M 328 Inf.	Cohn, Julius, Co. I 328 Inf.
Bell, John A., Co. A 30 Inf.	Collins, John J., Co. B 325 Inf.
Bell, William D., Co. M 23 Inf.	Conley, Thomas F., Co. D 101 Inf.
Beressi, Sandorf, Co. C 58 Inf.	Curtin, Edward J., Co. A 101 Inf.
Bergeron, Arsene, Co. L 104 Inf.	Daley, Frank, Co. C 101 Inf.
Bergerson, Peter, Co. L 28 Inf.	Daley, E. Joseph, Co. G 326 Inf.
Bernard, Leon S., Co. D 102 Inf.	Daley, Walter D., Co. L 328 Inf.
Besse, James N., Co. G 306 Inf.	Damon, Franklin J., Co. B 102 MG Bn.
Biedziak, Mieczyslaw, Co. M 101 Inf.	Daniels, Filippo, Co. C 5 MG Bn.
Blain, Henry J., Co. G 306 Inf.	Day, George W., Co. E 104 Inf.
Bolduc, Amedie J., Co. L 308 Inf.	Di Doma, Raffale, Co. B 30 Inf.
Bridge, Charles H., Co. G 306 Inf.	Diegoli, Tony, Co. G 306 Inf.
Burkhardt, Herbert H., Co. K 327 Inf.	Dionne, Joseph, Co. M 101 Inf.
Butkins, Joseph, Co. D 325 Inf.	Doble, Enoch H., San Det 102 Inf.
Blatchford, William E., Co. L 328 Inf.	Doherty, Edward J., Co. C 101 Inf.
Bracco, John, Co. E 38 Inf.	Donovan, William J., Co. C 30 Inf.
Brewer, David L., Co. D 101 Inf.	Doucette, Simon J., Co. G 306 Inf.
Buckley, Bartholomew J., Co. G 306 Inf.	Draper, Leroy S., Co. B 325 Inf.
Burgess, Angus J., Co. F 101 Inf.	Dunaway, Leonidus A., Co. K 142 Inf.
Burns, Joseph, Co. B 113 Inf.	Elliott, Norman C., Btry B 102 FA.
Burns, Perry W., Co. F 101 Inf.	Elliott, Oliver T., Co. B 102 MG Bn.
Burt, Ernest A., Co. K 328 Inf.	Ely, Raymond E., Btry A 102 FA.
Buswell, Elmer N., Co. D 101 Engrs.	Emanuelli, Charles, Co. D 327 Inf.
Carlson, Harold, Co. C 101 Inf.	Epstein, Nathan, Co. A 327 Inf.
Carlson, Melvin R., Co. B 102 MG Bn.	Evans, Clifford M., Co. L 112 Inf.
	Ferrara, Giacomo, Co. G 306 Inf.
	Fillion, Philip L., Co. G 306 Inf.

## Massachusetts—Continued

- Furlong, George D., Co. A 30 Inf.  
 Galvin, Timothy, Co. D 325 Inf.  
 Gannon, Frank M., Co. I 101 Inf.  
 Gaudette, Alpherie, Co. G 306 Inf.  
 Geary, John Joseph, Co. A 9 MG Bn.  
 Gebelien, Harry, Co. D 104 Inf.  
 Gee, Newman S., 'o. D 102 Inf.  
 Gillespie, Frank, Co. B 102 MG. Bn.  
 Goguen, Edgar J., Co. E 327 Inf.  
 Goodwin, James I., Co. B 102 MG  
Bn.  
 Greeley, Joseph, Co. D 104 Inf.  
 Hamer, Lester R., Co. L 59 Inf.  
 Hapgood, Herbert B., Co. B 304 Inf.  
 Harney, Ralph, Co. B 102 MG Bn.  
 Hart, Frank, Co. D 16 Inf.  
 Henderson, John, Co. L 109 Inf.  
 Hines, Thomas Joseph, Co. B 30 Inf.  
 Holst, Carl, Co. C 101 Inf.  
 Holt, Ernest W., Co. I 101 Inf.  
 Jatho, Charles C., 637 US Amb Serv.  
 Johnson, Edward, Co. B 314 Inf.  
 June, Edward F., Co. A 101 Inf.  
 Karlsson, Erick W., Co. K 18 Inf.  
 Kelley, Robert E., Med Det 102 Inf.  
 Killian, Thomas F., Co. A 327 Inf.  
 Kirk, Thomas J., Co. I 101 Inf.  
 Kroll, Stuart, Co. D 58 Inf.  
 LaFlesh, John D., Co. D 154 Inf.  
 Legasey, Harry E., Co. I 58 Inf.  
 Lewis, Antone D., Co. G 326 Inf.  
 Litch, William A., Co. C 26 Inf.  
 Litchfield, Lloyd W., Co. B 102 MG  
Bn.  
 Livingstone, Guy, Co. A 60 Inf.  
 Lockwood, Daniel H., Jr., Co. M 328  
Inf.  
 Lockwood, Frederick G., US Amb  
Serv 621.  
 Lohnes, Leroy, Co. F 308 Inf.  
 Long, Patrick J., Co. E 101 Inf.  
 Lonergan, Thomas F., Co. G 306 Inf.  
 Luddy, John F., Co. M 60 Inf.  
 Lyons, James B., Co. G 101 Inf.  
 MacMenigall, Roy, Co. D 104 Inf.  
 McCarthy, Patrick L., Co. K 327 Inf.  
 McCluskey, James J., Co. M 101 Inf.  
 McCormick, Peter J., Co. A 101 Inf.  
 McDonald, George J., Co. I 101 Inf.  
 McGrath, Edward J., Co. M 23 Inf.  
 McKenzie, John J., Co. K 101 Inf.  
 McLaughlin, Edward J., Co. M 328  
Inf.  
 McMann, George R., Co. D 327 Inf.  
 McWhirk, Harry F., Co. A 101 Inf.  
 Magnuszewoski, Antoni, Co. B 30  
Inf.  
 Maher, Leo A., Co. B 102 MG Bn.
- Mansfield, Paul L., Co. K 101 Inf.  
 Marquies, Wilfred, Co. L 9 Inf.  
 Marshall, George W., Co. D 102 Inf.  
 Martin, Arthur A., Co. C 327 Inf.  
 Marvin, Russell H., Co. A 104 Inf.  
 Mastrogas, Constantinos, Co. K 58  
Inf.  
 Mayo, Earl A., Co. D 325 Inf.  
 Mears, Lewis N., Co. L 125 Inf.  
 Meehan, Martin, Co. E 38 Inf.  
 Meehan, Patrick F., Co. G 104 Inf.  
 Mevas, Walter, Co. D 104 Inf.  
 Milan, John J., 104 Amb. Co. 101  
San Train.  
 Monte, Joe James, Co. H 307 Inf.  
 Muldoon, James N., Co. C 101 Inf.  
 Murphy, Harry, Co. F 11 Inf.  
 Murphy, John Anthony, Co. B 102  
MG Bn.  
 Murray, Charles M., Co. M 104 Inf.  
 O'Brien, Charles H., MG Co. 306 Inf.  
 O'Brien, Jeremiah, Co. G 306 Inf.  
 O'Brien, Terrence J., Co. G 306 Inf.  
 Olsen, Harold, Co. K 327 Inf.  
 O'Neil, Hugh V., Co. K 18 Inf.  
 O'Toole, Frank T., Co. F 38 Inf.  
 Paul, Foster E., Co. B 30 Inf.  
 Perkins, Clarence E., Co. D 307 Inf.  
 Peters, Charles H., Co. A 104 Inf.  
 Petzold, Herman H., Co. E 305 Inf.  
 Picewick, George, Co. K 327 Inf.  
 Pickett, Fred N., Co. M 128 Inf.  
 Pierce, Walter R., Btry A 102 FA.  
 Poole, Clifford B., Co. D 327 Inf.  
 Pratt, Charles H., Co. H 306 Inf.  
 Proskus, William, Co. H 109 Inf.  
 Prunier, Edward W., Co. C 102 Inf.  
 Puopolo, Carmenile, Med Det 9 Inf.  
 Quinn, William L., Co. B 102 MG Bn.  
 Reardon, Edmund A., Co. B 7 Inf.  
 Reese, Charles B., Co. D 102 Inf.  
 Rich, Sewall W., Co. B 102 MG. Bn.  
 Richard, Henry, Co. D 104 Inf.  
 Richards, David A., Co. L 112 Inf.  
 Riley, Michael E., Co. A 101 Inf.  
 Rittenburg, David, Co. D 101 Engrs.  
 Rodrigues, Manuel, Co. M 60 Inf.  
 Rondeau, Louis, Co. E 328 Inf.  
 Ruzzo, Thomas, Co. B 110 Inf.  
 Ryan, James L., Co. L 327 Inf.  
 Sarro, Eugene C., Co. G 59 Plon Inf.  
 Schube, Lewis M., Co. I 328 Inf.  
 Sescila, Frank P., Co. D 104 Inf.  
 Shapiro, Benjamin, Co. A 104 Inf.  
 Sheehan, James Francis, Co. D 102  
Engrs.  
 Slater, Herbert, Co. K 327 Inf.  
 Slavin, Richard F., Co. L 325 Inf.

## Massachusetts—Continued

Smith, Frank L., Co. B 102 MG Bn.  
 Smith, Herbert E., Co. L 328 Inf.  
 Smith, Percy A., Co. K 18 Inf.  
 Spano, Biagio, Co. C 327 Inf.  
 Spillane, John, Co. A 65 Engrs.  
 Stearns, James F., Co. L 328 Inf.  
 Stomsky, Leon, Co. B 102 Inf.  
 Stonina, Joseph, Co. I 18 Inf.  
 Stowell, Alton E., Co. F 104 Inf.  
 Strachan, Everett A., Hq. Co. 104 Inf.  
 Swanson, Harry, 104 Amb Co. 101 San Tn.  
 Sweeney, William C., Co. L 9 Inf.  
 Talbot, Adelard S., Co. K 318 Inf.  
 Tarallo, Joseph, Co. I 308 Inf.  
 Taubert, David E., Hq. Co. 104 Inf.

Thompson, Charles R., Co. D 58 Inf.  
 Titman, William M., Co. L 104 Inf.  
 Troy, John H., Co. C 314 Inf.  
 Turco, Anthony, Co. E 128 Inf.  
 Vaughan, Carl F., Co. K 328 Inf.  
 Walbridge, Selah R., Co. D 328 Inf.  
 Weberg, John W., Co. G 306 Inf.  
 Whalen, John L., Co. B 102 MG Bn.  
 Whitney, Frank A., Hq. Co. 128 Inf.  
 Whitney, Leo W., Co. I 101 Inf.  
 Willis, Frederick, Co. B 327 Inf.  
 Wolfe, Hyman, Co. M 23 Inf.  
 Yapp, Warren E., Co. L 59 Inf.  
 Yasi, Vitoantonio, Co. I 308 Inf.  
 Young, Ellis M., Co. B 102 MG Bn.  
 Zaboly, Alexander, Co. D 110 Inf.  
 Zakrissau, Bror, Co. I 60 Inf.

## MICHIGAN

## Officers

Casgrain, Wilfred V., 1st Lt., 95 Aero Sq.  
 Eaton, Paul W., 1st Lt., 103 Aero Sq.  
 Hawkins, Harry Calvin, 1st Lt., Co. F 119 Inf.  
 Shoemaker, Fred T., 1st Lt., 11 Aero Sq.  
 Harrington, Victor A., 2nd Lt., Sup. Co. 336 Inf.

## Enlisted Men

Albers, George, Co. E 339 Inf.  
 Amsbaugh, Henry E., Co. F 4 Inf.  
 Atkins, Samuel, Co. D 318 MG Co.  
 Beckwith, Charles, Co. G 128 Inf.  
 Blair, Lewis, Co. A 9 MG Co.  
 Bowers, John, Co. M 4 Inf.  
 Braun, August C., Co. B 102 Inf.  
 Brenner, John F., Co. D 102 Inf.  
 Brenzel, Ledger C., Co. K 18 Inf.  
 Broesma, George, Co. F 129 Inf.  
 Cahill, Joseph J., Co. K 168 Inf.  
 Carman, John, Co. M 39 Inf.  
 Chick, Otto P., Co. M 39 Inf.  
 Church, Conrad N., Ord Det 1st Army.  
 Clinefelter, Robert O., Co. A 126 Inf.  
 Cole, Edgar E., Co. H 38 Inf.  
 Crosby, Manie M., Co. C 329 MG Bn.  
 Cyganowski, Wojciech, Co. H 18 Inf.  
 Dougherty, Laurence T., Co. B 128 Inf.  
 Dyer, John, Hq. Co. 128 Inf.  
 Dykes, William, Co. K 18 Inf.  
 Fischer, Theodore, Co. G 126 Inf.  
 Foreman, Jacob, Co. B 102 Inf.  
 Fulcher, Earl, Co. H 339 Inf.  
 Garter, Ransome D., MG Co. 126 Inf.

Glowicki, John, MG Co. 30 Inf.  
 Goulet, Moses J., Co. B 102 Inf.  
 Griswold, Russell W., Co. L 126 Inf.  
 Gumbis, Peter, Co. E 58 Inf.  
 Harger, Melville S., Med Det 9 Inf.  
 Hart, Henry, Hq. Co. 128 Inf.  
 Haurilik, Mike M., Co. C 339 Inf.  
 Hettinger, Vincent G., Hq. Co. 128 Inf.  
 Hillis, Clyde D., Co. B 4 Inf.  
 Hocking, Wilfrid, Co. G 126 Inf.  
 Hogan, Freeman, Co. M 339 Inf.  
 Huston, Walter L., Co. C 339 Inf.  
 Hutzel, Herman E., Co. D 102 Inf.  
 Janiga, Frank, Co. E 114 Inf.  
 Janiszewski, George, Co. B 59 Inf.  
 Kerr, Matthew, Co. E 106 Inf.  
 Klug, Carl Fred, Co. L 125 Inf.  
 Koski, Martin, Co. F 38 Inf.  
 Kroepel, Herman C., Co. L 128 Inf.  
 Laursen, Jens C., Co. M 339 Inf.  
 Laclair, James H., Hq. Co. 128 Inf.  
 Landrigan, Daniel, Hq. Co. 30 Inf.  
 Leitzell, Glenn W., Co. M 339 Inf.  
 Levin, Eli, Co. E 58 Inf.  
 Lininger, Ray, Co. H 106 Inf.  
 Manzella, Michael, Co. G 126 Inf.  
 Marrone, Andrew, Co. I 106 Inf.  
 Maurice, Adelard J., MG Co. 126 Inf.

**Michigan—Continued**

- Minando, Joseph, Co. F 58 Inf.  
 Morse, Claud E., Co. D 16 Inf.  
 Murphy, William P., Co. G 139 Inf.  
 Niehaus, Harold G., Co. H 18 Inf.  
 Nyboer, Gerritt, Co. A 110 Inf.  
 Ostrander, Charles, Co. I 4 Inf.  
 Ostrander, Frank C., Med. Co. 30 Inf.  
 Paradise, Thomas, Co. H 56 Inf.  
 Perry, Guy, Hq. Co. 128 Inf.  
 Peterson, August B., Co. H 339 Inf.  
 Petroski, Theodore M., Co. D 4 Inf.  
 Pichea, Douglas P., Co. L 125 Inf.  
 Pinistein, Leon, Co. G 125 Inf.  
 Pretzer, Edward, Co. A 104 Inf.  
 Pupor, Charles L., Co. D 4 Inf.  
 Rauch, Albert W., Co. I 126 Inf.
- Regush, John, Co. I 18 Inf.  
 Reid, John G., Co. M 38 Inf.  
 Rex, Charles C., Co. L 60 Inf.  
 Rutz, Henry C., Co. L 18 Inf.  
 Saigeon, Rennie M., Co. G 7 Inf.  
 Schuelke, William R., Co. H 339 Inf.  
 Shears, Otis H., Co. K 18 Inf.  
 Small, Harry L., Co. B 6 Engrs.  
 Sobol, Adolf, Co. B 21 Engrs.  
 Stears, Arthur E., Co. F 38 Inf.  
 Strickland, Homer A., Hq. Co. 128 Inf.  
 Trapasso, Vitaliano, Co. B 102 Inf.  
 Van Vuele, Arthur, Co. A 32 Inf.  
 Walczak, Walter, Co. H 128 Inf.  
 Westberg, Otto A., Co. M 114 Inf.  
 Wolf, Fred, Co. A 126 Inf.

**MINNESOTA****Officers**

- House, Henry Arthur, Capt., Co. E 350 Inf.  
 Landon, Horace Z., Capt., Co. B 101 Inf.  
 Safford, Orren E., Capt., Co. G 350 Inf.  
 Abbott, John Steele, 1st Lt., Med. Corps.  
 Browning, Robert G., 1st Lt., 96 Aero Sq.  
 Gallagher, Bernard J., 1st Lt., Med. Corps.  
 Polacek, James V., 1st Lt., Co. C 102 Inf.  
 Riley, Harold W., 1st Lt., 24 Aero Sq.  
 Whiton, Arthur Louis, 1st Lt., 27 Aero Sq.  
 Lueck, William J., 2nd Lt., Btry. C 44 FA.

**Enlisted Men**

- Assved, Jesse J., Co. G 139 Inf.  
 Ahlholm, Daniel A., Co. D 126 Inf.  
 Ames, Roy B., Co. I 11 Inf.  
 Anderson, Alvin R., 524 US Amb Serv.  
 Anderson, Andrew K., Co. L 325 Inf.  
 Anderson, Julius O., Co. E 315 Engrs.  
 Anton, George, Hq. Co. 362 Inf.  
 Bast, Otto A., Co. K 327 Inf.  
 Bieda, Jan, Co. L 9 Inf.  
 Bliese, Charles A., Co. E 132 Inf.  
 Boxeth, Arthur O., Co. C 111 Inf.  
 Brazle, Charles A., Co. C 327 Inf.  
 Buchholz, Walter A., Co. A 358 Inf.  
 Bystedt, Gust, Co. F 132 Inf.  
 Candrar, Joe, Co. B 102 Inf.  
 Carlson, Herbert, Co. A 139 Inf.  
 Chipranich, Marksime, Co. H 359 Inf.  
 Christopoulos, George, Co. F 359 Inf.  
 Colburn, Oscar E., Co. F 359 Inf.  
 Danielson, Oscar, Co. F 359 Inf.  
 Downes, Frank A., Co. B 5th F S Bn.
- Faucett, Robert C., Co. D 18 MG Bn.  
 Fengestad, Albert, Co. F 132 Inf.  
 Ferber, Joseph, Co. B 102 Inf.  
 Fiala, Joseph G., MG Co. 327 Inf.  
 Fischer, Frank L., Co. E 132 Inf.  
 Gaard, Otto A., Co. G 126 Inf.  
 Garcia, Ben, Co. D 358 Inf.  
 Gilbert, Benjamin B., Co. C 111 Inf.  
 Gonnella, Arthur F., Co. E 357 Inf.  
 Gordon, Harry, Co. D 102 Inf.  
 Hannan, John F., Co. A 139 Inf.  
 Hansen, Otto W., Co. K 308 Inf.  
 Hanson, Harry, Co. M 125 Inf.  
 Hendricks, Henry A., Co. G 140 Inf.  
 Hengel, George, Co. B 308 Inf.  
 Hoffman, Frank, Co. D 130 Inf.  
 Houberg, Ole, Co. L 125 Inf.  
 Iten, Bertram L., Co. I 117 Inf.  
 Johnson, Albert M., Co. C 111 Inf.  
 Johnson, Harold A., 569 US Amb Serv.  
 Johnson, Johan A., Co. H 307 Inf.  
 Jonas, John P., Co. I 357 Inf.  
 Jylha, Arthur, Btry C 2 A A Bn.

## PRISONERS OF WAR

## Minnesota—Continued

Kingsbury, William F., Co. G 167 Inf.  
 Larson, Erwin E., 524 US Amb Serv.  
 Larson, Hans, Co. M 59 Inf.  
 Leckman, Oscar, Co. E 58 Inf.  
 LeMay, Adlore J., Co. D 108 Inf.  
 Lien, John, Co. F 128 Inf.  
 Lind, Alfred E., Co. C 111 Inf.  
 Lokken, Henry O., Co. H 359 Inf.  
 Lyon, Charlie V., Co. K 127 Inf.  
 McCullough, Tello B., Co. G 139 Inf.  
 McKenzie, Thad, Co. L 153 Inf.  
 Mielke, Otto Robert, Co. A 308 Inf.  
 Miller, Richard W., Co. L 140 Inf.  
 Munn, Grant T., Co. F 359 Inf.  
 Nielson, Roy F., Co. B 127 Inf.  
 Noble, John J., Co. K 18 Inf.  
 Oberlander, Henry H., Co. H 28 Inf.  
 Oien, Joseph J., Co. E 139 Inf.  
 Olsen, Hans E., Co. F 6 Inf.  
 Olson, Bert, Co. F 119 Inf.  
 Olson, Walter A., Co. G 139 Inf.  
 Patzoldt, Louis E., Co. B 6 Engrs.  
 Pavlick, Tony Joseph, Co. L 125 Inf.  
 Phillips, Henry, Co. L 160 Inf.  
 Pilipchuk, Nick, Co. E 55 Inf.  
 Rabe, Michael C., Co. D 130 Inf.

## MISSISSIPPI

## Officers

Brown, Levi Galloway, Lt. Col., Hq. Co. 89 Div.  
 Mitchell, Horace W., 1st Lt., 8th Aero Sq.  
 Roberts, Alexander M., 1st Lt., 74 Aero Sq.  
 Touchstone, Grady R., 1st Lt., AS.

## Enlisted Men

Aultman, Allen, Co. K 116 Inf.  
 Barnes, Henry C., Co. F 7 Inf.  
 Bounds, Robert E., Co. L 125 Inf.  
 Brand, George S., Co. B 30 Inf.  
 Cagle, Milliard D., Co. H 109 Inf.  
 Grant, Eddie, Co. E 34 Inf.  
 Hill, Eugene T., Co. K 38 Inf.  
 Hudson, Homer, Co. M 38 Inf.  
 Kirk, Carey L., Co. B 102 Inf.  
 Lester, John P., Co. F 16 Inf.  
 McKenzie, Thad, Co. A 126 Inf.

Morris, Ralph V., Co. G 11 Inf.  
 Murphree, Sid A., Co. K 39 Inf.  
 Olsen, John D., Co. K 127 Inf.  
 Overby, Walter B., Co. F 7 Inf.  
 Reeves, Homer, Co. E 38 Inf.  
 Shepherd, John W., Hq. Co. 128 Inf.  
 South, Thomas L., Co. G 128 Inf.  
 Stockstill, Houston E., Co. A 38 Inf.  
 Switzer, Henry W., Co. K 315 Inf.  
 Tully, John T., MG Co. 16 Inf.  
 Whitley, William A., Co. B 26 Inf.

## MISSOURI

## Officers

Goodrich, Harold Arrett, Capt., Med. Corps.  
 Hardesty, John F., Capt., Med. Corps.  
 Sewing, Arthur Henry, Capt., Med. Corps.  
 Brookhart, Virgil, 1st Lt., 135 Aero Sq.

**Missouri—Continued**

Chesman, Burt, 1st Lt., Co. H 4 Inf.  
 Edens, Louis M., 1st Lt., Med. Corps.  
 McElvain, Clifford A., 1st Lt., 27 Aero Sq.  
 Mowry, Otto L., 1st Lt., Co. I 308 Inf.  
 Rothman, Henry Leo, 1st Lt., 140 Inf.  
 Tait, Roland Smith, 1st Lt., 12 Bal. Co.

**Enlisted Men**

Akers, Homer, Co. L 9 Inf.  
 Archer, Harry, Co. H 346 Inf.  
 Barth, Edward A., Co. E 138 Inf.  
 Batchelor, Charles H., Co. F 27 Inf.  
 Brady, Raymond H., Hq. Co. 138 Inf.  
 Brayley, Eligio, Co. G 139 Inf.  
 Brookshire, Granville E., Co. L 109 Inf.  
 Brown, Allen L., Co. I 139 Inf.  
 Buckman, Julius M., Co. C 140 Inf.  
 Bushnell, Clarence W., Co. B 61 Inf.  
 Byers, Frank Z., Co. H 38 Inf.  
 Chambers, Dan J., Co. A 140 Inf.  
 Cox, Lloyd J., Co. K 140 Inf.  
 Davis, Leonard L., Co. C 38 Inf.  
 Devereux, Leo W., Co. I 102 Inf.  
 Dingworth, Libory H., Co. F 137 Inf.  
 Dodd, Louis, Co. C 316 Inf.  
 Dodge, Emery A., Co. A 139 Inf.  
 Doering, Bertram Agust, Co. H 354 Inf.  
 Doyle, Alfred W., MG Co. 30 Inf.  
 Doyle, Thomas C., Co. H 140 Inf.  
 Dragoo, Dale O., Co. A 139 Inf.  
 Egner, Charles J., Co. C 140 Inf.  
 Ehlers, Albert H., Co. H 4 Inf.  
 Elliott, Graham, Co. H 140 Inf.  
 Farley, Clyde, Co. A 139 Inf.  
 Faulwell, Leslie R., Co. A 128 Inf.  
 Foley, Daniel A., Co. M 23 Inf.  
 Ford, Henry, Co. D 34 Inf.  
 Gale, Russell K., Co. G 139 Inf.  
 Gehrig, Clarence, Co. A 140 Inf.  
 Hanlen, Joseph Richard, Co. I 7 Inf.  
 Harlinger, Glenn V., Co. E 137 Inf.  
 Harness, Francis, Co. C 165 Inf.  
 Harney, Joseph F., Co. A 104 Inf.  
 Harris, Homer E., Co. E 137 Inf.  
 Harris, Jack, Co. C 140 Inf.  
 Harris, James, Co. G 139 Inf.  
 Hendrix, Earl L., Co. A 60 Inf.  
 Herrick, Harry, Hq. Co. 354 Inf.  
 Herman, Edward, Co. L 140 Inf.  
 Herndon, William Caswell, MD San Sq 31 Div.  
 Higginbotham, Jefferson C., Co. C 165 Inf.  
 Hill, Myron E., Co. F 39 Inf.  
 Hobusch, Alfred J., Co. D 34 Inf.

Hollar, Everett R., Co. G 139 Inf.  
 Hummel, John H., Co. K 140 Inf.  
 Hurst, John W., Amb Co. 355 Inf.  
 Jankowski, Leo, Co. G 147 Inf.  
 Jones, James, Co. A 139 Inf.  
 Kemp, Charlie D., Co. A 165 Inf.  
 King, James, Co. H 140 Inf.  
 King, William T., Co. B 140 Inf.  
 Kirby, Charles D., Co. H 140 Inf.  
 Kollenborn, Henry S., Co. A 316 Inf.  
 Kost, Otis A., Co. H 139 Inf.  
 Kreeger, George H., Co. B 140 Inf.  
 Lamb, Harry B., Co. C 356 Inf.  
 Lindley, Robert H., Co. A 139 Inf.  
 Litchen, Edward, Co. H 38 Inf.  
 Little, Sebert, Co. A 158 Inf.  
 Lorenz, Fred C., Co. E 138 Inf.  
 March, Thomas B., Co. D 140 Inf.  
 Martin, Clarence H., Co. L 153 Inf.  
 McAllister, Dee C., Co. G 38 Inf.  
 McDougal, Frank E., Co. F 16 Inf.  
 McGuire, Dan M., Co. C 110 Inf.  
 Mallery, Edward V., Co. M 23 Inf.  
 Madiuh, Peter, Co. I 16 Inf.  
 Mohr, Edwin, Co. F 319 Inf.  
 Moore, David H., Co. G 129 Inf.  
 Moore, Forrest, Co. H 31 Inf.  
 Oliver, Clarence P., Co. H 140 Inf.  
 Page, William L., Sup Co. 110 Engr.  
 Parkey, James K., Co. E 138 Inf.  
 Parks, Lemiel A., Co. G 139 Inf.  
 Payne, John J., Jr., Co. K 18 Inf.  
 Perkins, Leo, Co. H 140 Inf.  
 Peters, Samuel J., Co. K 18 Inf.  
 Quednow, Edgar, Co. C 127 Inf.  
 Rauber, Ernest, Co. I 139 Inf.  
 Reynolds, Hugh A., Co. H 356 Inf.  
 Reid, Rienzi B., Co. E 138 Inf.  
 Rice, Charley, Co. A 30 Inf.  
 Rogers, Paul M., Co. B 138 Inf.  
 Rogers, William M., Co. G 139 Inf.  
 Rolla, George, Co. A 30 Inf.  
 Sauer, Ferdinand M., Co. E 137 Inf.  
 Schantz, Frank L., Med Det 101 Inf.  
 Schiffen, Roy, Co. A 139 Inf.  
 Schroeder, Hugo C., Co. C 140 Inf.  
 Schuster, Jewel C., Co. E 138 Inf.  
 Sexton, Linley E., Co. G 350 Inf.  
 Simpich, Joseph S., Co. H 139 Inf.

## PRISONERS OF WAR

## Missouri—Continued

Slover, Walter J., Co. M 110 Inf.  
 Smith, Irving R., Co. D 140 Inf.  
 Spilman, Josee V., Co. K 316 Inf.  
 Sprague, Elmer A., Co. A 140 Inf.  
 Stewart, James O., Hq. Co. 140 Inf.  
 Stroble, Albert, Co. A 140 Inf.  
 Swearinger, Charlie E., Co. K 139 Inf.  
 Talbot, Herman, San Det 106 Inf.  
 Tipton, Andrew S., Co. G 350 Inf.  
 Triplett, Samuel Clifford, Co. C 356 Inf.

Turner, Harry, Co. A 139 Inf.  
 Wattenbarger, Verna E., Co. G 139 Inf.  
 Weissenbach, Henry, Co. A 16 Inf.  
 Whitehouse, Edward, Co. E 30 Inf.  
 Wieden, August, Co. K 138 Inf.  
 Williams, Earl S., Co. K 354 Inf.  
 Williams, Harry E., Co. A 356 Inf.  
 Wolters, Henry W., Co. A 140 Inf.  
 Woods, George C., Co. B 30 Inf.  
 Wrinkle, Ola E., Co. A 139 Inf.  
 Yale, William N., Co. A 139 Inf.

## MONTANA

## Officers

Patterson, Robert A., 1st Lt., 12 Aero Sq.  
 Weirick, Arthur M., 1st Lt., 213 Aero Sq.  
 Chambers, John Earl, 2nd Lt., Co. I 163 Inf.

## Enlisted Men

Adams, Leo J., MG Co. 16 Inf.  
 Anderson, Gilbert, Co. K 306 Inf.  
 Andrews, Vester L., Co. B 16 Inf.  
 Brown, Robert W., Co. A 14 MG Bn.  
 Bugnatto, Peter F., Co. C 324 Inf.  
 Clikeman, Archie M., Hq Co. 362 Inf.  
 Conn, Charles, Co. D 126 Inf.  
 Crane, Rollin E., Co. A 127 Inf.  
 Davidson, George, Co. K 362 Inf.  
 Desmaris, John B., Co. A 16 Inf.  
 Flesjer, Manley, Co. H 119 Inf.  
 Geier, Albin, Co. K 110 Inf.  
 Germeraad, George, Co. I 16 Inf.  
 Heise, Charles A., Co. D 104 Inf.  
 Hicks, Stacy M., Co. C 308 Inf.  
 Hillbrant, Ward, Co. A 9 MG Bn.  
 Hogarth, Joseph W., Co. K 362 Inf.  
 Holter, Clarence B., Co. G 362 Inf.  
 Hott, John, Co. E 308 Inf.

Jensen, Nels K., Co. B 324 Inf.  
 Johnson, John W., Co. B 364 Inf.  
 Kruse, Chris H., Hdqrs Co. 362 Inf.  
 Luzi, Luzius, Co. M 23 Inf.  
 McCormick, Everett B., Co. E 362 Inf.  
 Peterson, Hans L., Co. E 308 Inf.  
 Porter, Milton A., Co. A 359 Inf.  
 Schulz, Otto J., Co. E 308 Inf.  
 Skarsten, Robert, Co. E 58 Inf.  
 Sorenson, Christian A., Co. A 16 Inf.  
 Sorenson, Lauritz P., Co. A 16 Inf.  
 Sullivan, Jerry H., Co. E 160 Inf.  
 Sutherland, James M., Co. I 163 Inf.  
 Thompson, Mandius H., Co. K 307 Inf.  
 Timmons, Budd, Co. D 102 Inf.  
 Tronson, Melvin, Co. E 308 Inf.  
 Willimas, George F., Co. I 308 Inf.

## NEBRASKA

## Officers

None.

## Enlisted Men

Birchard, Herbert J., Co. A 341 MG Bn.  
 Bramier, Martin H., Co. F 4 Inf.  
 Briggs, George O., Co. E 103 Inf.  
 Brokaw, Charles Vernon, Co. L 59 Inf.  
 Connery, Theodore W., Hq Co. 137 Inf.  
 Eaton, Burt, MG Co. 30 Inf.  
 Hankins, Marion A., Co. L 59 Inf.  
 Hatt, Christian E., Co. A 165 Inf.

Holder, Paul L., 22 Aero Sq.  
 Johnson, Frank E., Med Det 342 FA  
 Johnson, Joseph Lee, Co. L 59 Inf.  
 Jordan, Fred C., Co. A 137 Inf.  
 Kelly, William, Co. E 132 Inf.  
 Kennedy, David, MG Co. 30 Inf.  
 McAuliffe, Clinton, Co. K 110 Inf.  
 McKee, Clark V., Co. K 18 Inf.  
 Slapnicka, Frank, MG Co. 30 Inf.  
 Walker, Conrad, Co. B 30 Inf.

## APPENDIX IX

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### NEVADA

#### Officers

Hagenbuch, Rea I., 2nd Lt., 74 Aero Sq.

#### Enlisted Men

Mickelotti, Fred, MG Co. 362 Inf. Smith, Ralph D., Co. G 23 Engrs.  
Quilici, Amos, Co. E 58 Inf.

### NEW HAMPSHIRE

#### Officers

Burpee, Benjamin P., Capt., Med. Corps.  
Tibbetts, Guy D., 1st Lt., Med. Corps.

#### Enlisted Men

Auger, Henry, Co. G 309 Inf.	Gosselin, John B., Co. D 103 Inf.
Bruneau, Arthur, Co. G 309 Inf.	Jesseman, Arthur, Co. E 103 Inf.
Carlisle, Raymond, Co. E 103 Inf.	Lamere, Lee W., Co. B 102 MG Bn.
Castrataro, Salvatore, Co. K 18 Inf.	Perry, William N., Co. G 309 Inf.
Crete, Joseph Louis, Co. B 325 Inf.	Pottier, Oinesimo, Co. G 309 Inf.
Donabadian, George, Co. F 103 Inf.	Silva, Frank J., Co. F 47 Inf.
Dube, Momuald, Co. G 309 Inf.	Victory, Tony, Co. E 30 Inf.
Ellingwood, Wilmer R., Co. G 309 Inf.	Williams, Carroll E., Co. E 23 Inf.
Fisher, Russell E., MG Co. 145 Inf.	Young, Elwin G., Co. H 309 Inf.

### NEW JERSEY

#### Officers

Chickering, William E., Capt., 8th Inf.  
Apgar, George L., 1st Lt., Co. H 114 Inf.  
Gordon, Abraham Julius, 1st Lt., Med. Corps.  
Hamilton, Edward P., 1st Lt., 306 F. A.  
Hooper, Thornton D., 1st Lt., 11 Aero Sq.  
Ireland, Walter M., 1st Lt., Co. F 312 Inf.  
Redfield, John J., 1st Lt., 104 Aero Sq.  
Miller, Zenos R., 1st Lt., 27 Aero Sq.  
Reynolds, Frank M., 1st Lt., Co. B 320 Inf.  
Scherrer, Walter G., 1st Lt., Co. C 113 Inf.  
Todd, Van Winkle, 1st Lt., 103 Aero Sq.  
Albertson, Edward Russell, 2d Lt., 138 Aero Sq.  
McDowell, Robert B., 2nd Lt., Co. D 102 Inf.  
Mandel, Oscar, 2nd Lt., 148 Aero Sq.  
O'Toole, James A., 2nd Lt., 96 Aero Sq.  
Smith, Irving, 2nd Lt., Co. A 58 Inf.

#### Enlisted Men

Andrews, John D., Co. F 114 Inf.	Bernhard, John, Co. B 311 Inf.
Baldwin, Howard S., Co. A 303 Engrs.	Bishop, Joseph, Co. B 311 Inf.
Berardi, Gaetano, Co. L 52 Inf.	Bitondo, Gregory, Co. M 327 Inf.
Bassani, Vincenzo, Co. I 7 Inf.	Brook, Albert, 642 US Amb Serv.
Beckwith, Charles, Co. I 165 Inf.	Pruno, Vincenzo, Co. A 312 Inf.
Beckett, Emmett M., Co. H 114 Inf.	Burgin, Leo, Co. C 312 Inf.
Bennett, Raymond, MG Co. 310 Inf.	Bush, Harry L., Co. A 114 Inf.
	Buso, Emilio, Co. B 30 Inf.

## New Jersey—Continued

- Canova, Carlo, Co. K 310 Inf.  
 Caroccio, Angelo, Co. B 30 Inf.  
 Checkley, William T., Jr., Co. C 2  
     Engrs.  
 Choyensky, Maryian, Co. B 30 Inf.  
 Cillo, Antonio, Co. L 309 Inf.  
 Cohen, Hyman, Co. K 327 Inf.  
 Colfer, Charles, Co. C 30 Inf.  
 Connelly, Thomas, Co. H 38 Inf.  
 Cosner, Lewis J., Co. D 309 Inf.  
 Curren, Henry H., Co. E 309 Inf.  
 Dec, Tony, Co. B 30 Inf.  
 Defeo, Luigi, Co. K 327 Inf.  
 Dennen, Joseph R., 523 US Amb  
     Serv.  
 Dobermiller, John A., Co. D 61 Inf.  
 Dombrowski, Paul A., Co. C 30 Inf.  
 Dorokowicz, Andrew, Co. A 30 Inf.  
 Duffy, John F., Co. B 309 Inf.  
 Duncan, Albert N., Co. L 327 Inf.  
 Engel, Francis J., Co. H 107 Inf.  
 Fasula, Edward, Co. L 9 Inf.  
 Finsel, William A., Co. A 327 Inf.  
 Fischer, George, Co. F 38 Inf.  
 Fleming, William E., Co. F 38 Inf.  
 Flynn, Joseph Aloysius, MG Co. 310  
     Inf.  
 Ford, Francis A., Co. F 7 Inf.  
 Forte, Joseph, Co. A 327 Inf.  
 Fox, Ben, Co. M 311 Inf.  
 Francesconi, Angelo, Co. K 309 Inf.  
 Frasco, Concetto, Co. I 316 Inf.  
 Galligan, Richard J., Co. B 30 Inf.  
 Ghidella, Louis, Co. F 325 Inf.  
 Glapinski, Louis T., Co. B 30 Inf.  
 Golden, George J., Co. K 328 Inf.  
 Greely, Frank, Co. C 113 Inf.  
 Griner, John, Co. F 114 Inf.  
 Hayden, Alexander M., Co. B 311  
     Inf.  
 Heller, Victor H., Co. C 113 Inf.  
 Herzig, Peter, Co. F 113 Inf.  
 Hirshman, Joseph, Co. E 113 Inf.  
 Hoff, John Richard, Co. K 327 Inf.  
 Holland, David J., Jr., Co. A 312 Inf.  
 Holzman, Benjamin B., Co. F 312  
     Inf.  
 Huchri, Anthony, Co. M 18 Inf.  
 Hunt, Harold J., 484 US Amb Serv.  
 Kastner, Henry, Co. D 327 Inf.  
 Keimig, Alfred, Co. F 113 Inf.  
 Kestler, John E., Co. F 38 Inf.  
 Kicinski, Charles, Jr., Co. F 113 Inf.  
 Kienzle, Arthur, Co. A 311 Inf.  
 Korman, George, Co. C 5 MG Bn.  
 Kostantynowicz, Antoine, Co. B 30  
     Inf.  
 Kressler, William J., Co. H 114 Inf.  
 Kuhlmann, Chris, Co. K 327 Inf.  
 Kulescik, Frank, Co. B 30 Inf.  
 Leaver, Leonard, Co. H 165 Inf.  
 Lamotto, Louis, Co. D 147 Inf.  
 Lang, Joseph J., Co. B 311 Inf.  
 Leithause, Grover C., Co. F 102 Inf.  
 Leonard, Harry, Co. H 18 Inf.  
 Lewis, William M., Co. C 311 Inf.  
 Longo, Andy, Co. D 309 Inf.  
 Lugin, Vasil, Co. B 30 Inf.  
 Lush, Adam J., Co. B 311 Inf.  
 Lutenski, Louis, Co. H 38 Inf.  
 McGoldrick, Robert, Jr., Co. F 113  
     Inf.  
 Madsen, Ralph A., Co. A 38 Inf.  
 Maffia, Michael, Co. C 327 Inf.  
 Maines, Charles, Co. F 114 Inf.  
 Maley, Peter J., Hq Co. 311 Inf.  
 Malone, Edward M., Co. B 311 Inf.  
 Marchetti, Terry, Co. E 38 Inf.  
 Marten, Robert, Co. B 358 Inf.  
 Mason, Harry J., Co. E 11 Engrs.  
 Midolo, Vincent, Co. C 311 Inf.  
 Milefski, Joseph, Co. F 114 Inf.  
 Miller, Francis J., Co. M 109 Inf.  
 Morozoff, Alexander, Co. C 311 Inf.  
 Mouser, Charles J., Co. B 311 Inf.  
 Mulhall, Nicholas L., Co. F 16 Inf.  
 Nathanson, Moses, Co. A 38 Inf.  
 Nebelchok, Bonus, Co. F 38 Inf.  
 Nelson, Oscar E., Co. L 311 Inf.  
 Noonan, George C., Co. K 107 Inf.  
 Nowojsky, Alex, Co. F 38 Inf.  
 O'Gara, John J., Co. B 311 Inf.  
 Okun, Samuel, Co. A 312 Inf.  
 O'Neil, Oliver J., Co. K 327 Inf.  
 Orndorf, Clarence F., Co. E 114 Inf.  
 Owen, Clarence H., Co. A 106 Inf.  
 Padato, Rocco, Co. H 114 Inf.  
 Parenda, Francisco D., Co. K 310 Inf.  
 Peia, Louis, Co. C 312 Inf.  
 Perna, Rocco, Co. A 327 Inf.  
 Pascoe, Charles Edward, Co. K 106  
     Inf.  
 Pfanner, John, MG Co. 310 Inf.  
 Picciano, Michael, Co. D 311 Inf.  
 Picerno, Louis, Co. K 327 Inf.  
 Pietro, Frank, Co. D 311 Inf.  
 Piney, Charles J., Co. I 311 Inf.  
 Poreniski, Dyonizy, Co. E 38 Inf.  
 Preston, Charles W., 543 US Amb  
     Serv.  
 Puntillo, James, Co. L 9 Inf.  
 Ready, Austin M., Co. C 102 Inf.  
 Reagan, Luke, Co. G 38 Inf.  
 Reid, Edward J., Co. A 9 MG Bn.  
 Richter, Rudolph C., Hq Co. 311 Inf.  
 Rosenberg, Isador, Co. L 114 Inf.  
 Ritacco, Frank, Co. I 309 Inf.  
 Rubert, Nicholas, Co. A 30 Inf.  
 Ryan, William H., Co. B 311 Inf.  
 Sanders, Murray, Co. A 311 Inf.

## New Jersey—Continued

Scalia, Peter, Co. K 327 Inf.  
 Schickling, Charles, Co. A 30 Inf.  
 Schnitzer, Bennie, Co. F 38 Inf.  
 Shafto, Charles, Co. E 114 Inf.  
 Shemelia, Isaac P., Co. H 114 Inf.  
 Sona, Frederick F., Co. B 113 Inf.  
 Stevens, Edward A., 484 US Amb Serv.  
 Sutter, John, Jr., Co. H 309 Inf.  
 Sutton, Lewis Ziegler, Co. B 311 Inf.  
 Szamkul, Konstanty, Co. B 30 Inf.  
 Tallman, Benjamin H., Co. K 113 Inf.  
 Tamanini, David, Co. F 114 Inf.  
 Tatarck, Maryen, Co. I 328 Inf.  
 Tesauro, Dominick, Co. C 23 Inf.  
 Thompson, George M., Co. B 311 Inf.  
 Trevison, Armando, Co. A 111 MG Bn.

Ueltz, Herbert F., Co. F 11 Engrs.  
 Unglaub, Charles, Co. C 113 Inf.  
 Tyack, John Arthur, Co. K 106 Inf.  
 Van Liere, William, MG Co. 7 Inf.  
 Wade, Patrick J., Co. H 114 Inf.  
 Walker, Robert, Co. C 5 MG Bn.  
 Ward, James G., Co. A 312 Inf.  
 Weinstein, Harry, Co. A 312 Inf.  
 Weston, Edwin, Co. B 60 Inf.  
 Whelan, James T., Co. H 114 Inf.  
 Wilkanowski, Joseph J., Co. A 30 Inf.  
 Williams, Louis, Co. H 38 Inf.  
 Williamson, William W., Co. B 30 Inf.  
 Woehr, Otto, Co. M 310 Inf.  
 Wolfel, Charles C., Co. A 311 Inf.  
 Zawistowski, Peter, Co. A 9 Inf.

## NEW MEXICO

## Officers

Gabel, Thomas A., 1st Lt., 49th Aero Sq.

## Enlisted Men

Davis, Fred, Co. H 38 Inf.  
 Evans, John F., Co. C 301 Bn. TC.  
 Johnson, Peter Emery, Co. M 109 Inf.

Martinez, Antonio, Co. E 128 Inf.  
 Montoya, Margarito, Co. I 110 Inf.  
 Ortiz, Demetrio, Co. A 109 Inf.  
 Reed, Raymond R., Co. C 128 Inf.

## NEW YORK

## Officers

Adams, Frederic Eliot, Capt., Co. E 307 Inf.  
 Cahill, Francis J., Capt., Med. Corps.  
 Sullivan, Harry F., Capt., Co. A 106 Inf.  
 Brody, Alton A., 1st Lt., 13 Aero Sq.  
 Converse, Rob R. S., 1st Lt., 13 Aero Sq.  
 Cramer, Kenneth Frank, 1st Lt., Co. H 310 Inf.  
 Crawford, James F., 1st Lt., Med. Corps.  
 Dudley, Lyman O., 1st Lt., 213 Aero Sq.  
 Foster, Frederic V., 1st Lt., 91 Aero Sq.  
 Ford, Christopher Wm., 1st Lt., 103 Aero Sq.  
 Frizzell, Charles F., Jr., 1st Lt., Co. A 38 Inf.  
 Ginter, Charles A., 1st Lt., Co. B 308 Inf.  
 Graham, James G., 1st Lt., Co. B 110 Inf.  
 Gude, Oscar Jay, Jr., 1st Lt., 93 Aero Sq.  
 Knight, Clayton, 1st Lt., 206 Aero Sq. B.E.F.  
 Lawson, Alfred Walster, 1st Lt., 91 Aero Sq.  
 McConchie, Thomas Lloyd, 1st Lt., 104 Aero Sq.  
 Mellen, Joseph Manley, 1st Lt., 96 Aero Sq.  
 Mochrie, Robert, 1st Lt., Btry. C 44 FA.  
 Smith, Herbert D., 1st Lt., 96 Aero Sq.  
 Stokes, Horace W., 1st Lt., Co. E 306 Inf.  
 Stanley, Julian C., 1st Lt., 11 Aero Sq.  
 Treadwell, Alvin H., 1st Lt., 213 Aero Sq.  
 Vanderbilt, Herbert Ray, 1st Lt., Co. B 311 Inf.  
 Vernam, Remington De B., 1st Lt., 22 Aero Sq.

## New York—Continued

Von Saltza, Philip W., 1st Lt., Btry. C 306 FA.  
 Webster, Willard M., 1st Lt., Co. K 106 Inf.  
 Bagley, Elbert H., 2nd Lt., Co. K 309 Inf.  
 Battey, Bryan M., 2nd Lt., 48 Aero Sq.  
 Bryan, John F., 2nd Lt., Co. I 102 Inf.  
 Clark, Milton Stanley, 2nd Lt., 23 Inf.  
 Davis, Clarence Mortimer, Jr., 2nd Lt., Co. B 308 Inf.  
 Doehler, Herbert H., 2nd Lt., 148 Aero Sq.  
 Fulton, Richard W., 2nd Lt., 20 Aero Sq.  
 Koenne, Edward A., 2nd Lt., Co. C 102 Inf.  
 McIntyre, Richard Henry, 2nd Lt., Hq. Co. 107 Inf.  
 MacArthur, John, 2nd Lt., 3rd Avia. Instr. C.  
 Tiffany, George, 2nd Lt., 22 Aero Sq.  
 Walther, Frank, 2nd Lt., 306 Inf.

## Enlisted Men

Abelow, Joseph, Sn Det 307 Inf.  
 Aboff, Nathan, Co. B 30 Inf.  
 Ackery, Samuel Spafford, Hq Co. 106 Inf.  
 Ackerman, William B., Co. B 311 Inf.  
 Adams, Joseph, Co. G 309 Inf.  
 Ainisman, Nathan, Co. B 38 Inf.  
 Albert, George F., Co. M 308 Inf.  
 Albertson, Elmer R., Co. G 307 Inf.  
 Altschuler, Jacob, Co. D 309 Inf.  
 Ames, Edward M., Co. A 108 Inf.  
 Amo, Leo A., Co. G 306 Inf.  
 Andolfo, Francesco, Co. A 312 Inf.  
 Angelotti, John, Co. M 308 Inf.  
 Annarummo, Gaetano, Co. A 106 Inf.  
 Anderson, Leo P., Co. B 308 Inf.  
 Antoniello, Antonio, Co. C 106 Inf.  
 Antonucci, Pasquale, Co. C 308 Inf.  
 Apelian, Hachig, Co. F 58 Inf.  
 Applin, John E., Co. L 108 Inf.  
 Apy, Martin V., Co. M 106 Inf.  
 Arquette, Boyde, Co. I 308 Inf.  
 Athanassian, Kevork, Co. E 58 Inf.  
 Atorio, Carmelo, Co. G 306 Inf.  
 Auchenpaugh, Elmer, Sn Det 367 Inf.  
 Aulbach, John A., Co. G 325 Inf.  
 Ayers, Edward J., Co. A 18 Inf.  
 Ayers, Dennis J., Co. H 18 Inf.  
 Ballas, John, Co. A 312 Inf.  
 Bancroft, Harvey G., Co. B 307 Inf.  
 Bamer, Gustave, Hq Co. 306 Inf.  
 Banta, Lester M., Co. E 106 Inf.  
 Bass, Leon F., Co. I 107 Inf.  
 Baumann, Jacob C., Co. I 18 Inf.  
 Baxter, James D., Co. L 308 Inf.  
 Beatty, Robert H., Co. G 309 Inf.  
 Becht, Bernard J., Co. K 106 Inf.  
 Becker, Fred O., Co. M 106 Inf.  
 Bedell, Samuel Holmes, Co. L 18 Inf.  
 Belcuns, Ignatz, Co. B 30 Inf.  
 Belford, William H., Co. F 106 Inf.  
 Belknap, Byron E., Co. D 307 Inf.  
 Bell, Joseph, Co. G 309 Inf.  
 Bell, William, Co. B 307 Inf.  
 Bellido, Elihu C., Co. M 327 Inf.  
 Belpulsi, Leo, Co. K 308 Inf.  
 Peith, Irving, Co. A 312 Inf.  
 Benn, John, Co. C 327 Inf.  
 Bennett, Harry, Co. E 307 Inf.  
 Benson, James Michael, Co. B 307 Inf.  
 Bentalo, Kiraefiso, Co. B 328 Inf.  
 Benzing, John M., Co. B 311 Inf.  
 Berenstein, John J., Co. I 308 Inf.  
 Berger, Max, Co. B 106 Inf.  
 Bergwerk, Samuel, Co. D 307 Inf.  
 Berkowitz, Michael, Co. E 308 Inf.  
 Berkowitz, Moses, Co. G 306 Inf.  
 Bernas, Frank J., Sup Co. 18 Fld Art.  
 Beseth, Howard S., Co. G 306 Inf.  
 Betters, Louis N., Co. G 308 Inf.  
 Birk, William, Co. B 311 Inf.  
 Blanco, Giorgio, Co. M 60 Inf.  
 Blavis, Solon, Co. A 163 Inf.  
 Blount, George L., Co. B 311 Inf.  
 Blount, Howard P., Co. B 310 Inf.  
 Pogin, Barney, Co. K 18 Inf.  
 Bombi, Joseph, Co. H 307 Inf.  
 Boman, Henning, Co. E 308 Inf.  
 Bonfield, Harry A., MG Co. 306 Inf.  
 Borst, Norman L., Co. A 30 Inf.  
 Bortle, Raymond, Co. G 309 Inf.  
 Bourdo, Wilmer, Co. B 106 Inf.  
 Boyea, Joseph N., Btry D 20 FA.  
 Boylan, Peter X., Co. I 308 Inf.  
 Brady, Thomas J., Co. M 23 Inf.  
 Brandon, Daniel, Co. C 101 F Bn Sig C.  
 Brandt, Othniel, Co. G 307 Inf.  
 Brenner, Abraham, Co. A 106 Inf.  
 Brindisi, Vito, Co. E 114 Inf.  
 Brociner, John, Co. I 106 Inf.  
 Bronstein, Benjamin, Co. E 308 Inf.

## New York—Continued

- Brooker, Clifford D., Co. G 106 Inf.  
 Brooks, Frank, Co. B 11 Engrs.  
 Brown, Burton D., Co. G 106 Inf.  
 Brown, Gilbert S., Co. K 308 Inf.  
 Brown, Joseph, Hq Co. 311 Inf.  
 Brown, Joseph H., Co. D 165 Inf.  
 Brown, Morton, Co. D 106 Inf.  
 Browne, Edward S., Co. B 106 Inf.  
 Bruno, Frank, Co. H 106 Inf.  
 Budd, Ivan Harley, Co. G 306 Inf.  
 Buhl, William, MG Co. 306 Inf.  
 Buhring, George, Co. D 106 Inf.  
 Burgess, Thomas J., Co. F 30 Inf.  
 Burke, Eugene W., Co. B 106 Inf.  
 Burke, Frank A., Co. B 325 Inf.  
 Burke, Thomas F., Co. E 102 Engrs.  
 Burton, Thomas, Co. A 106 Inf.  
 Byrne, Daniel J., Co. G 106 Inf.  
 Byrne, Martin R., MG Co. 306 Inf.  
 Cahill, Joseph M., Co. G 105 Inf.  
 Cairns, William John, Hq Co. 107 Inf.  
 Callahan, Cornelius B., Co. C 106 Inf.  
 Caltabiano, Salvatore, Co. H 127 Inf.  
 Campbell, Arthur L., Co. L 165 Inf.  
 Canonico, Frank J., Co. D 6 Engrs.  
 Canzi, Antonio, Co. G 306 Inf.  
 Capus, Pietro, Co. G 306 Inf.  
 Carey, William T., Co. L 165 Inf.  
 Carlin, James A., Co. B 307 Inf.  
 Carlson, Albert B., MG Co. 306 Inf.  
 Carman, Timothy E., Co. G 306 Inf.  
 Carney, John A., Co. D 106 Inf.  
 Carney, Patrick J., Co. F 106 Inf.  
 Carney, William A., Co. D 49 Inf.  
 Carpenter, Delmer D., Co. C 102 F Bn SC.  
 Carr, Thomas, Co. L 327 Inf.  
 Carr, William L., Co. L 308 Inf.  
 Carroll, John J., MG Co. 306 Inf.  
 Casey, John C., Co. M 328 Inf.  
 Casey, John J., Co. E 107 Inf.  
 Cash, Samuel S., Co. M 106 Inf.  
 Castellano, Michael, Co. C 308 Inf.  
 Castiglia, Michele, Co. C 327 Inf.  
 Castorina, Joseph, Co. M 308 Inf.  
 Caulfield, John J., Co. G 106 Inf.  
 Cenetiempo, Luca, Co. C 308 Inf.  
 Cerabone, Victor A., Co. G 9 Inf.  
 Cerrulo, Frank, Co. G 306 Inf.  
 Cerza, Stanislau, Co. I 307 Inf.  
 Chandler, Cecil H., Co. E 106 Inf.  
 Charnin, Nathan, Co. G 106 Inf.  
 Chaskes, Samuel, Co. C 308 Inf.  
 Chioli, Alexander, Co. G 306 Inf.  
 Chmiel, Walter, Hq Co. 18 Inf.  
 Chmielewski, Joseph, Co. M 308 Inf.  
 Christie, Charles, Co. L 308 Inf.  
 Ciaccia, Loreto, Co. B 325 Inf.  
 Cianfrogna, Guy, Co. E 107 Inf.  
 Cimiluca, Carmelo, Co. K 307 Inf.  
 Cinque, Antonio, Co. E 115 Inf.  
 Citrinti, Saverio, Co. A 312 Inf.  
 Claassen, Harry J., Co. A 106 Inf.  
 Clancy, John J., Co. D 318 MG Bn.  
 Clare, William H., Co. B 318 MG Bn.  
 Clark, Ernest E., Co. B 165 Inf.  
 Clark, John F., Co. G 306 Inf.  
 Clark, Raymond W., Co. K 308 Inf.  
 Clayton, Ambrose W., Co. I 308 Inf.  
 Clayton, James V., Co. D 307 Inf.  
 Cochrane, John Walter, Co. D 106 Inf.  
 Coffey, Patrick, Co. M 308 Inf.  
 Colberg, Frederick C., Co. G 306 Inf.  
 Coleman, Ray H., Co. F 306 Inf.  
 Congdon, Frank M., Co. D 311 Inf.  
 Connolly, Michael, Co. F 38 Inf.  
 Connolly, Timothy A., Co. D 106 Inf.  
 Connors, Edward J., Co. I 308 Inf.  
 Connors, Walter J., Co. A 327 Inf.  
 Conti, Joseph, Co. L 307 Inf.  
 Corsentino, Joseph C., Co. K 324 Inf.  
 Cortes, Frank E., Co. G 106 Inf.  
 Cosgrove, Michael, Co. G 106 Inf.  
 Cosgrove, Raymond J., MG Co. 306 Inf.  
 Costello, John, Co. I 308 Inf.  
 Crawford, John S., Co. C 102 F Sig Bn.  
 Cremona, Christopher, Co. C 106 Inf.  
 Crisafulli, John, Co. G 106 Inf.  
 Crispì, Ercole, Co. E 106 Inf.  
 Crofton, William F., Co. G 106 Inf.  
 Cudebec, Ray M., Co. F 306 Inf.  
 Cuneo, Bartolomeo, Co. C 106 Inf.  
 Curtin, Patrick W., Co. B 106 Inf.  
 Dahlquist, George R., Co. B 307 Inf.  
 Dalhouse, Herman A., Co. G 306 Inf.  
 Dalia, Santoro, Co. L 327 Inf.  
 Daly, Walter T., Co. B 106 Inf.  
 Damao, Joseph, Co. H 307 Inf.  
 Daniels, Raymond W., Co. B 38 Inf.  
 Davenport, Charles S., Co. L 328 Inf.  
 Davis, Fred H., MG Co. 306 Inf.  
 Dawson, Henry J., Co. A 312 Inf.  
 DeAmaral, Anthony, Co. D 307 Inf.  
 Dean, Clark M., Co. K 107 Inf.  
 DeFeelds, Louis, Co. G 306 Inf.  
 Dempster, Charles, Co. G 306 Inf.  
 Denninger, Joseph, Co. M 105 Inf.  
 Dennis, Stanley B., Co. K 306 Inf.  
 Denison, Owen, Co. G 306 Inf.  
 Desantis, Patsy, Co. E 106 Inf.  
 Devine, Hugh V., Co. M 106 Inf.  
 Diehl, Charles A., Co. G 306 Inf.  
 Dietrich, William C., Co. C 308 Inf.

## New York—Continued

- Dilgen, John C., MG Co. 306 Inf.  
 Dillman, Eugene, Co. H 106 Inf.  
 Dillmeier, Edward J., Co. K 106 Inf.  
 Dilmore, Dorn D., Co. A 28 Inf.  
 DiNorcia, Nicola, Co. A 30 Inf.  
 Di Palma, Luigi, Co. B 30 Inf.  
 Diprima, Fandorfo, Co. K 327 Inf.  
 Dixon, Myron E., Co. L 165 Inf.  
 Dolan, John, Co. I 308 Inf.  
 Dolan, William J., Co. D 307 Inf.  
 Dolen, Philip, MG Co. 306 Inf.  
 Domiano, Louis F., Co. G 306 Inf.  
 Dondiego, Vincenzo, Co. M 327 Inf.  
 Donnini, Francesco, Co. G 106 Inf.  
 Dooris, John F., Co. G 306 Inf.  
 Doran, Leo E., Co. M 105 Inf.  
 Doulin, Thomas F., Co. B 307 Inf.  
 Dowling, William J., Co. F 306 Inf.  
 Downey, Francis J., Co. D 106 Inf.  
 Drageon, Morris, Co. F 306 Inf.  
 Drake, Arthur K., Sec 580 US Amb Serv.  
 Dredger, Oliver, Co. G 306 Inf.  
 Driscoll, Howard M., Co. G 106 Inf.  
 Duffy, Edwin J., Co. F 306 Inf.  
 Duffy, Thomas J., Co. L 308 Inf.  
 Dulny, David, Co. A 30 Inf.  
 Dunn, Edward J., Co. D 106 Inf.  
 Dunn, James D., Co. K 165 Inf.  
 Dwyer, Edward, Co. A 106 Inf.  
 Early, Howard M., Co. H 107 Inf.  
 Early, James F., Co. C 106 Inf.  
 Eckberg, Edward H., Co. L 305 Inf.  
 Eckstein, George, Co. B 307 Inf.  
 Egan, Michael J., Co. F 306 Inf.  
 Eggers, Herman F., Co. F 107 Inf.  
 Eifert, Otto H., Co. E 308 Inf.  
 Elford, Edward E., Co. C 106 Inf.  
 Enck, Harry J., Co. C 114 Inf.  
 Engel, John C., Co. G 306 Inf.  
 Enright, Thomas R., Co. K 18 Inf.  
 Eomazzo, John, Co. C 106 Inf.  
 Epstein, Joseph, Co. G 306 Inf.  
 Esposito, Nicholas, Co. B 106 Inf.  
 Estes, Raymond K., Co. A 312 Inf.  
 Evans, James H., Co. I 107 Inf.  
 Faaland, Christian, Co. A 106 Inf.  
 Fairlee, LeRoy B., Co. C 60 Inf.  
 Farrell, Chester A., Co. B 106 Inf.  
 Fay, Louis W., Co. C 306 MG Bn.  
 Feeney, Benjamin K., Co. L 165 Inf.  
 Feld, Leo, Co. I 307 Inf.  
 Fenton, John W., MG Co. 306 Inf.  
 Fernands, William A., Co. C 308 Inf.  
 Ferrette, Jeremiah P., Co. D 106 Inf.  
 Filipovich, Ellash, Co. M 18 Inf.  
 Filippions, Casimo, Co. D 308 Inf.  
 Finch, Enos, Co. G 306 Inf.  
 Finelli, Angelo, Co. K 109 Inf.  
 Fioretti, Antonio, Co. B 114 Inf.  
 Fish, William E., Co. F 106 Inf.  
 Fisher, Edward J., Co. I 165 Inf.  
 Fishfanger, Hyman, Co. B 307 Inf.  
 Fitzsimmons, Edward J., MG Co. 102 Inf.  
 Fleming, Alfred L., Co. G 107 Inf.  
 Flood, Philip J., Co. E 167 Inf.  
 Fox, Sylvester R., Co. F 306 Inf.  
 Frankel, Sol, Co. G 306 Inf.  
 Franz, John J., Co. G 306 Inf.  
 Frauly, Daniel Francis, Co. G 306 Inf.  
 Frasier, Joseph, Co. K 60 Inf.  
 Fredenberg, Ralph E., Co. C 312 Inf.  
 Fremeau, Charles O., Co. G 306 Inf.  
 Freund, Frank, Co. I 308 Inf.  
 Friedland, Abraham, Co. G 306 Inf.  
 Friedman, Louis, Co. A 327 Inf.  
 Fritz, Frank W., Co. L 165 Inf.  
 Fuchs, Irving, Co. K 106 Inf.  
 Fusco, Thomas, Co. M 106 Inf.  
 Galaska, Stanley, Co. A 306 Inf.  
 Gallagher, James, Co. A 328 Inf.  
 Gallagher, James J., Co. I 106 Inf.  
 Gallagher, John J., Co. E 107 Inf.  
 Galley, Frederick W., Co. A 16 Inf.  
 Gallo, Rocco, Co. D 307 Inf.  
 Gallon, David, Hq Co. 106 Inf.  
 Galvin, Michael T., Co. B 106 Inf.  
 Garber, Samuel, Co. H 106 Inf.  
 Garberino, John, Co. D 307 Inf.  
 Garvey, James J., Co. F 38 Inf.  
 Garvin, Walter E. J., Co. E 114 Inf.  
 Gash, George W., Co. I 308 Inf.  
 Geant, Frank, Co. D 106 Inf.  
 Gedney, Ward B., 102 F Sig Bn.  
 Geohegen, Charles A., Co. B 11 Engrs.  
 Gershberg, Charles J., Co. G 306 Inf.  
 Gershowitz, Sam, Co. K 327 Inf.  
 Gilbert, George H., Jr., Co. G 306 Inf.  
 Gilbert, Howard L., Co. A 106 Inf.  
 Gill, Albert, Co. L 165 Inf.  
 Gillig, James J., Co. B 307 Inf.  
 Gillizeau, Conrad F., Co. G 106 Inf.  
 Gillouly, Charles J., Co. F 308 Inf.  
 Ginsberg, Herman, Sn Det 327 Inf.  
 Giurano, Guiseppe, Co. G 106 Inf.  
 Glanzel, Carl A., Co. M 60 Inf.  
 Glassman, Maxwell, Co. E 327 Inf.  
 Glinnen, Vincent J., Co. G 106 Inf.  
 Gold, Isidor, Co. E 308 Inf.  
 Goldberg, Irving, Co. E 308 Inf.  
 Goldberg, Julius, Co. I 106 Inf.  
 Goldstein, Pincus, Co. C 308 Inf.  
 Gordon, Max, Co. G 306 Inf.  
 Gordon, Paul D., Co. D 102 Engrs.  
 Grace, William A., Co. D 106 Inf.  
 Graf, John J., Co. I 308 Inf.

## New York—Continued

- Grecco, Thomas, MG Co. 306 Inf.  
 Greenbaum, Morris, Co. D 318 MG Bn.  
 Greene, Joseph, Co. B 308 Inf.  
 Greenspan, Rubin, Co. G 306 Inf.  
 Griffith, Eugene A., Co. I 106 Inf.  
 Groome, Edward J., Co. B 328 Inf.  
 Grossman, Jonas J., Co. G 106 Inf.  
 Guernsey, Raymond L., Co. F 306 Inf.  
 Guerriero, Louis E., Co. A 327 Inf.  
 Guidice, Sebastian, Co. G 306 Inf.  
 Guidise, Edward A., Co. K 107 Inf.  
 Gullatto, Rosario, Co. K 107 Inf.  
 Gunsten, George, Co. A 312 Inf.  
 Gutentag, Morris, Co. C 308 Inf.  
 Hacker, Henry C., Co. G 306 Inf.  
 Halberstadt, Bertram, Co. H 307 Inf.  
 Hall, Arthur F., Co. M 108 Inf.  
 Hall, George V., Co. L 308 Inf.  
 Hallenbeck, Lawrence V., Co. A 312 Inf.  
 Halter, Frank A., Co. F 306 Inf.  
 Hanes, Leon J., Co. K 310 Inf.  
 Hanigan, Michael J., Co. D 318 MG Bn.  
 Harris, Lester G., Co. A 106 Inf.  
 Harrison, James, Co. H 38 Inf.  
 Harrison, Obadiah H., Co. L 308 Inf.  
 Harwood, Raymond, Co. G 306 Inf.  
 Hauswirth, Charles B., Co. G 306 Inf.  
 Hawkins, Robert, Co. L 109 Inf.  
 Hayes, Edward F., Co. M 105 Inf.  
 Hayes, James, Co. D 165 Inf.  
 Hayun, Arthur H., Co. G 306 Inf.  
 Hazzard, Joseph Lee, Co. L 308 Inf.  
 Held, Samuel, MG Co. 306 Inf.  
 Helmicki, Joseph, Co. K 327 Inf.  
 Henderson, Edward T., MG Co. 306 Inf.  
 Henderson, Francis G., Co. B 106 Inf.  
 Henion, George, Co. H 38 Inf.  
 Hennessey, William F., Co. F 306 Inf.  
 Hensel, William S., Co. C 165 Inf.  
 Herman, George, Co. I 107 Inf.  
 Herman, Harry, Co. A 327 Inf.  
 Hettinger, William, Co. D 318 MG Bn.  
 Heuston, Ira R., Co. D 307 Inf.  
 Higgins, Thomas J., Co. C 308 Inf.  
 Hill, Edward F., Co. A 106 Inf.  
 Hill, Joseph H., Co. A 329 Inf.  
 Hille, Oscar, Co. G 306 Inf.  
 Hlavac, Frank C., Co. M 106 Inf.  
 Hoebel, Louis, Co. L 308 Inf.  
 Hogan, William F., Co. C 108 Inf.  
 Hogstrom, Andrew, Co. C 165 Inf.  
 Holahan, Thomas, Co. C 308 Inf.  
 Holland, John F., Co. G 306 Inf.  
 Hopke, William, Co. B 102 MG Bn.  
 Horowitz, Charles, Co. D 318 MG Bn.  
 Horton, Eugene, Co. K 306 Inf.  
 Hughes, James F., Co. A 114 Inf.  
 Hunt, Henry, Co. E 106 Inf.  
 Idoni, Pasquale, Co. H 307 Inf.  
 Imm, Anthony L., Co. I 106 Inf.  
 Ingram, Theodore W., Co. F 308 Inf.  
 Irwin, Daniel J., Co. M 308 Inf.  
 Jackman, Thomas F., Co. A 311 Inf.  
 Jacobson, Louis, Co. G 306 Inf.  
 Jaeger, Charles C., Co. G 316 Inf.  
 Jaffee, Morris, Co. I 307 Inf.  
 Janowsky, William, Co. C 327 Inf.  
 Jaroszewski, Stanislaus, Co. A 110 Inf.  
 Johnston, Clinton S., Co. I 106 Inf.  
 Johnston, John J., Co. B 106 Inf.  
 Juck, Aleck, Co. G 306 Inf.  
 Jurgensen, William, Co. L 106 Inf.  
 Kahres, John P., MG Co. 306 Inf.  
 Maminski, Charles, Co. G 309 Inf.  
 Mampf, Karl G., Co. K 106 Inf.  
 Kandel, Benjamin, Co. E 308 Inf.  
 Kane, William P., Co. E 106 Inf.  
 Kaplan, Harold, Co. E 308 Inf.  
 Kaplan, William Milton, Co. D 307 Inf.  
 Kassik, Francis, Jr., Co. C 312 Inf.  
 Katz, Benjamin, Co. I 308 Inf.  
 Kaufmann, Adolph, Jr., MG Co. 306 Inf.  
 Kaurin, Charles L., Co. B 307 Inf.  
 Kearns, Michael, Co. A 28 Inf.  
 Kedansky, Jacob, Co. C 308 Inf.  
 Keiser, William H., Co. D 307 Inf.  
 Kelliher, Maurice T., Co. G 306 Inf.  
 Kelly, Charles J., Co. L 106 Inf.  
 Kelly, Francis O., Co. D 106 Inf.  
 Kelly, John J., Co. E 106 Inf.  
 Kelly, John J., Co. F 106 Inf.  
 Kendrick, Joseph F., Co. L 106 Inf.  
 Kennedy, Robert B., Co. E 307 Inf.  
 Kenny, Edward J., Co. A 165 Inf.  
 Kenny, Joseph A., Co. C 165 Inf.  
 Kiessler, Charles K., Co. B 308 Inf.  
 Kinch, Sidney C., Co. H 23 Inf.  
 Kinlefsky, John, Co. G 306 Inf.  
 Kipp, Elbert N., Co. B 307 Inf.  
 Kirschner, Morris, Co. I 106 Inf.  
 Kistel, Tobias, Co. G 306 Inf.  
 Klass, Solomon, Co. D 30 Inf.  
 Kleber, Joseph A., Co. M 327 Inf.  
 Knecht, Robert J., Co. G 106 Inf.  
 Knieberg, Harry, Co. G 306 Inf.  
 Knowlton, Charles W., Co. D 165 Inf.  
 Knudsen, Albert, Co. A 106 Inf.

## New York—Continued

- Kohl, John H., Co. G 106 Inf.  
 Komesar, Hyman, Co. F 38 Inf.  
 Kostelak, Otto, Co. D 58 Inf.  
 Kozlow, Philip, Co. D 316 MG Bn.  
 Arajewski, Stanislaus S., Co. B 30 Inf.  
 Krakuszkeski, Aleksander, Co. C 5 MG Bn.  
 Krause, Edwin J., Co. E 106 Inf.  
 Krieter, Carl H., Co. I 18 Inf.  
 Kristenson, John S., Co. G 350 Inf.  
 Kronenberg, Max, Co. E 308 Inf.  
 Kroger, John D., Co. A 316 Inf.  
 Kuehnle, John, Co. D 307 Inf.  
 Kuzbarskis, Felix, Co. G 58 Inf.  
 Lahey, Thomas G., Co. A 312 Inf.  
 Laier, Henry W., Co. F 106 Inf.  
 Lally, John, Co. E 11 Engrs.  
 Lamar, Arthur V., Co. B 106 Inf.  
 Lamendola, Vincenzo, Co. M 327 Inf.  
 Lamonica, Vinvenso, Co. D 327 Inf.  
 Lampert, John P., Co. G 306 Inf.  
 Lamphorn, Leonard L., Co. A 106 Inf.  
 Landolfi, Arthur, Co. B 106 Inf.  
 Lapides, Julius, Co. C 30 Inf.  
 Lapkin, Samuel, Co. G 306 Inf.  
 Lawless, William, Co. D 106 Inf.  
 Leach, George, Co. D 311 Inf.  
 Leach, Walter H., Co. D 307 Inf.  
 Leggio, Mariano, Co. M 60 Inf.  
 Lehane, Jeremiah, Co. L 9 Inf.  
 Lehmann, John U., Co. L 308 Inf.  
 Lenz, Henry B., Co. L 308 Inf.  
 Leslie, James G., Co. D 307 Inf.  
 Levenstein, Harry, Co. F 38 Inf.  
 Levine, Morris, Co. E 103 Inf.  
 Levine, Philip, Co. K 18 Inf.  
 Lewis, Albert, Co. F 306 Inf.  
 Lewis, Charles J., Co. G 106 Inf.  
 Licht, Samuel, Co. I 165 Inf.  
 Lippert, Frederick W., Co. B, 106 Inf.  
 Liscondy, Samuel, Co. D 318 MG Bn.  
 Litchfield, Albert George, Co. G 112 Inf.  
 Livingston, John P., Co. F 306 Inf.  
 Lober, Fred, Co. M 316 Inf.  
 Lockbaum, Charles, Co. B 325 Inf.  
 Loewenthal, David, Co. F 306 Inf.  
 Lombardi, Julius, Co. I 325 Inf.  
 Lonardi, Sandri, Co. C 308 Inf.  
 Loomis, Harry T., Co. G 306 Inf.  
 Loomis, James F., Co. A 106 Inf.  
 Lorber, Martin A., Co. G 306 Inf.  
 Lotz, Joseph, Co. G 306 Inf.  
 Lubeck, Henry, Co. A 311 Inf.  
 Lubecki, Casimer, Co. G 306 Inf.  
 Ludwig, William E., Co. G 306 Inf.  
 Lynch, Bernard M., Co. D 102 Inf.  
 Lynch, Edward J., Co. G 106 Inf.  
 Lynch, William F., Co. I 308 Inf.  
 Lyons, William S., Co. I 308 Inf.  
 Lysett, Thomas A., Co. C 101 F Bn Sig C.  
 McBride, Archibald G., Co. C 308 Inf.  
 McCabe, Joseph A., Co. L 308 Inf.  
 McCall, Peter E., Jr., Co. B 106 Inf.  
 McCarton, Matthew, Co. K 350 Inf.  
 McCauley, Edward, Co. G 306 Inf.  
 McClurg, James A., Co. H 106 Inf.  
 McCole, John A., Co. F 306 Inf.  
 McCormick, Paul D., Co. G 106 Inf.  
 McCormack, Thomas, Co. G 306 Inf.  
 McEnaney, Andrew Joseph, Tr H 2 Cav.  
 McGarry, Edward W., Co. C 106 Inf.  
 McKenny, Arthur, Co. L 165 Inf.  
 McKule, Anthony A., Co. D 5 MG Bn.  
 McMahon, Michael, Co. G 306 Inf.  
 McManus, Bernard Joseph, Co. B 106 Inf.  
 McPartland, Michael J., Co. D 318 MG Bn.  
 MacCormick, Robert S., Co. C 316 Inf.  
 MacFall, William H., Co. G 306 Inf.  
 Mackay, William A., Co. G 106 Inf.  
 Magnuson, Ernest W., Co. C 312 Inf.  
 Mahler, Henry, Co. I 308 Inf.  
 Mallov, Israel, Co. B 308 Inf.  
 Maney, Ulrich N., Co. E 11 Engrs.  
 Manning, James J., Co. M 105 Inf.  
 Manning, Richard, Co. G 306 Inf.  
 Manzione, Joseph E., Co. A 106 Inf.  
 Maratos, Harry A., Co. I 308 Inf.  
 Marianelli, Carmine, Co. D 318 MG Bn.  
 Margiotta, Anthony, Co. I 165 Inf.  
 Margulies, David, Co. G 106 Inf.  
 Marley, Daniel, Co. I 308 Inf.  
 Maroney, James W., Co. E 307 Inf.  
 Marquardt, George B., Co. I 308 Inf.  
 Marshallowitz, Saul, Med Det 308 Inf.  
 Martin, Abraham, Co. D 318 MG Bn.  
 Martin, Edward, Co. D 307 Inf.  
 Martin, Girard, Co. K 306 Inf.  
 Martin, William E., MG Co. 306 Inf.  
 Martinelli, Antonio, Co. D 318 MG Bn.  
 Martlew, Raymond Earl, Hq Co. 30 Inf.  
 Mason, Ernest C., Co. A 106 Inf.  
 Massa, Mario, Co. K 327 Inf.  
 Massoni, Louis, Co. B 325 Inf.

## New York—Continued

- Masucci, Vincenzo, Co. L 308 Inf.  
 Matinowski, Michael, Co. D 318 MG Bn.  
 Mathews, Joseph P., Co. E 106 Inf.  
 Matuszewski, Walter, Co. G 306 Inf.  
 May, Anton Joseph, Co. G 325 Inf.  
 Meehan, James T., Co. B 106 Inf.  
 Meehan, Joseph F., Co. G 306 Inf.  
 Mellett, Michael B., Co. L 308 Inf.  
 Melnick, Alex, Co. B 30 Inf.  
 Menger, Charles H., Co. D 308 Inf.  
 Mercier, Albert F., Co. G 306 Inf.  
 Mernofski, Anthony, Co. D 350 Inf.  
 Meslin, Bruno J., Co. L 308 Inf.  
 Leve, John Deprez, Co. B 307 Inf.  
 Miccio, Joseph, Co. H 106 Inf.  
 Miezzkowski, Vincent, Co. L 327 Inf.  
 Miller, Lawrence M., Co. E 38 Inf.  
 Miller, William F., Co. E 107 Inf.  
 Miller, William Walter, Co. I 107 Inf.  
 Mills, Frank, Co. I 308 Inf.  
 Mitchell, John, Co. D 318 MG Bn.  
 Moley, James J., Co. C 106 Inf.  
 Mollion, Antonio, Co. E 38 Inf.  
 Monaco, Peter, Co. F 58 Inf.  
 Mood, Thomas J., Co. E 307 Inf.  
 Moore, Albert T., Co. G 106 Inf.  
 Moore, John, Co. M 327 Inf.  
 Moore, Walter E., Co. C 308 Inf.  
 Morgan, Thomas Patrick, Co. K 165 Inf.  
 Moriarity, Bartholomew, Co. D 307 Inf.  
 Morris, James, Co. D 307 Inf.  
 Morton, James E., Co. H 23 Inf.  
 Mosher, Frederick, Co. L 108 Inf.  
 Mulkern, John A., Co. I 106 Inf.  
 Muller, Fred, Jr., Co. K 327 Inf.  
 Mulligan, Henry A., Co. G 306 Inf.  
 Mulligan, Patrick, Co. K 327 Inf.  
 Mullin, Joseph A., Co. C 165 Inf.  
 Mullin, Leo A., Co. L 165 Inf.  
 Murphy, Frank T., MG Co. 306 Inf.  
 Murphy, Joseph, Co. D 106 Inf.  
 Musty, Clarence J., Co. L 311 Inf.  
 Nash, George, Co. D 102 Engrs.  
 Nassano, Paul, Co. A 106 Inf.  
 Nasser, Benjamin D., Co. C 308 Inf.  
 Natali, Michele, Co. G 306 Inf.  
 Naylor, William B., Co. A 106 Inf.  
 Newman, Egnatius, Co. F 9 Inf.  
 Nichthauser, Alfred, Co. M 106 Inf.  
 Noe, Charles, Co. I 308 Inf.  
 Nolan, Andrew S., MG Co. 306 Inf.  
 Nordlund, August, Co. F 58 Inf.  
 Norman, William T., Co. C 106 Inf.  
 North, Herman C., Co. M 105 Inf.  
 Norton, Frank William, Co. G 307 Inf.  
 Ober, Charles, Co. G 306 Inf.  
 O'Brien, Lewis P., Co. C 308 Inf.  
 O'Connell, James M., Co. B 311 Inf.  
 O'Connell, John P., Co. E 308 Inf.  
 O'Connell, Patrick J., Co. D 307 Inf.  
 O'Connell, William P., Co. L 106 Inf.  
 O'Connor, Thomas F., Co. A 106 Inf.  
 O'Donnell, James B., Co. L 315 Inf.  
 O'Donnell, William J., Co. A 106 Inf.  
 O'Donohue, Denis, Co. K 18 Inf.  
 Oehlerking, William, Co. F 38 Inf.  
 Oleary, James W., Co. D 318 MG Bn.  
 Olson, Gustaf, Co. E 38 Inf.  
 O'Neill, John J., Co. B 106 Inf.  
 O'Neill, Michael J., Co. C 327 Inf.  
 O'Rourke, Frank D., Co. K 306 Inf.  
 Oscher, Harold, MG Co. 306 Inf.  
 Oshinsky, Allen, Co. I 308 Inf.  
 Ostrowski, Peter, Co. K 18 Inf.  
 Palony, Benjamin, Co. E 114 Inf.  
 Paloso, Guiseppe, Co. G 106 Inf.  
 Pannell, John C., Co. E 106 Inf.  
 Panouses, Thomas, Co. A 110 Inf.  
 Parretti, Lawrence J., Co. A 327 Inf.  
 Parker, George J., Co. D 106 Inf.  
 Parker, George W., Jr., Co. F 308 Inf.  
 Paul, John, Co. K 106 Inf.  
 Pawlik, John, Co. H 307 Inf.  
 Pearl, Max, Co. D 318 MG Bn.  
 Pedro, Diaz, Co. G 106 Inf.  
 Peliochi, Arturo, Co. G 306 Inf.  
 Peloso, Pasquale, Co. M 311 Inf.  
 Pender, Michael, Co. D 307 Inf.  
 Perlmutter, Lawrence, Med Det 9 Inf.  
 Perry, John F., Co. H 106 Inf.  
 Pertler, John, Co. A 327 Inf.  
 Petrakis, George, Co. L 328 Inf.  
 Pettit, Edward, Co. D 307 Inf.  
 Pfeifer, Peter, Co. G 106 Inf.  
 Pfeiffer, James Joseph, Co. D 307 Inf.  
 Plomm, Elliot R., Co. G 107 Inf.  
 Phelan, Bernard J., Co. M 147 Inf.  
 Phillips, Benjamin S., Co. A 106 Inf.  
 Piatasik, Stanislaw, Co. G 306 Inf.  
 Pirilli, Sava, Co. A 165 Inf.  
 Plawsky, Joseph, Co. B 308 Inf.  
 Pollio, Louis G., Co. D 318 MG Bn.  
 Pomerantz, David, MG Co. 306 Inf.  
 Prestia, Pietro, Co. M 316 Inf.  
 Prichard, Wallie A., Co. B 309 Inf.  
 Pruniere, Julius F., Co. A 308 Inf.  
 Puttre, Rudolph M., Co. D 16 Inf.  
 Quigley, Patrick F., Co. G 306 Inf.

## New York—Continued

- Raisberg, Ben, Co. D 318 MG Bn.  
 Ranch, Earl C., Co. E 104 Inf.  
 Rapoport, Isadore, Co. G 306 Inf.  
 Reber, Charles H., Co. K 23 Inf.  
 Regan, Michael, Co. M 307 Inf.  
 Reilly, Peter, Co. D 318 MG Bn.  
 Rennie, Edward H., Co. B 307 Inf.  
 Resnikoff, Hyman, Co. D 307 Inf.  
 Reynolds, John J., Co. H 309 Inf.  
 Richards, Raymond A., Co. E 307 Inf.  
 Riekers, George, Co. A 60 Inf.  
 Riester, Frank, MG Co. 306 Inf.  
 Ringler, George H., Med Det 30 Inf.  
 Roche, James A., Co. F 306 Inf.  
 Roeding, Frederick F., Co. L 308 Inf.  
 Rogan, Dave, Co. D 318 MG Bn.  
 Rogers, Frank, Co. L 308 Inf.  
 Romeo, Vincenzo, Co. K 327 Inf.  
 Rosen, Philip, MG Co. 9 Inf.  
 Rosenberg, Mitchell, Co. D 106 Inf.  
 Ross, Elmer William, Co. K 106 Inf.  
 Rossum, Haakon A., Co. G 308 Inf.  
 Roth, David, Co. D 307 Inf.  
 Rotondo, Anthony, Co. G 106 Inf.  
 Rubenstein, Hymie, Co. A 30 Inf.  
 Rubin, Leo A., Co. G 306 Inf.  
 Runz, Louis A., Co. I 308 Inf.  
 Ryan, Francis A., Co. F 106 Inf.  
 Ryan, Gerard A., Co. G 107 Inf.  
 Ryan, John B. J., Co. D 106 Inf.  
 Saeta, Jacob, Co. H 110 Inf.  
 Sagenhorn, Peter, Co. H 18 Inf.  
 Saglimeni, Sam, Co. K 106 Inf.  
 Sakowicz, Edward, Co. I 308 Inf.  
 Salit, Max, Co. G 306 Inf.  
 Sandomirsky, Harry, MG Co. 30 Inf.  
 Savastano, Anthony J., Co. G 306 Inf.  
 Scalia, John J., Co. G 106 Inf.  
 Scharoun, Arthur, MG Co. 310 Inf.  
 Schieber, Jacob, Co. B 311 Inf.  
 Schillinger, Max, Co. D 318 MG Bn.  
 Schirmuhly, Theodore D., Co. A 106 Inf.  
 Schlaenger, Sidney, Co. F 326 Inf.  
 Schmidt, Edwin W., Co. D 106 Inf.  
 Schmidt, William F., Co. M 306 Inf.  
 Schneider, George, Co. F 306 Inf.  
 Schneider, Sam, Co. K 327 Inf.  
 Schoonmaker, Archie C., Co. M 106 Inf.  
 Schoonmaker, Melvin, Co. G 306 Inf.  
 Schriner, Gideon Herbert, Co. H 38 Inf.  
 Schuurman, Henry J., Co. C 105 Inf.  
 Schwartz, Charles, Jr., Co. K 106 Inf.  
 Schwarz, Richard R., Co. M 306 Inf.  
 Schweiker, Frederick G., Co. D 106 Inf.  
 Scime, Tommaso, Co. C 308 Inf.  
 Scocca, Vincenza, Co. F 106 Inf.  
 Scott, James M., Co. K 106 Inf.  
 Seaman, George H., Jr., Co. B 11 Engrs.  
 Sears, John D., Co. C 7 Inf.  
 Seldin, Nathan, Co. C 108 Inf.  
 Selles, Manuel R., Co. L 308 Inf.  
 Sexaver, Fred, Co. L 308 Inf.  
 Shalinsky, Michael, Co. L 308 Inf.  
 Shannon, Val, Co. D 318 MG Bn.  
 Shannon, William G., Co. H 112 Inf.  
 Shearer, Albert, Co. K 106 Inf.  
 Sheehan, Daniel J., Co. C 1 F Bn Sig C.  
 Sheffield, Harry L., Co. B 307 Inf.  
 Shevill, James G., Co. F 306 Inf.  
 Shortt, Alfred N., Co. G 306 Inf.  
 Siedler, Herman W., Co. A 308 Inf.  
 Silis, Toni, Co. B 308 Inf.  
 Simon, Solomon, Co. I 106 Inf.  
 Simone, Dominic, Co. A 311 Inf.  
 Singer, Arthur L., Co. H 107 Inf.  
 Siro, Dominick M., Co. B 106 Inf.  
 Skeets, William H., Co. B 307 Inf.  
 Skwarlo, Joseph, Co. M 16 Inf.  
 Slattery, Martin J., Co. H 165 Inf.  
 Slupatchuk, Benetckhu, Co. I 308 Inf.  
 Smith, Edward C., Co. D 106 Inf.  
 Smith, Edward, Co. M 306 Inf.  
 Smith, Edward A., Co. M 23 Inf.  
 Smith, Eugene S., Co. G 106 Inf.  
 Smith, Frank, Co. B 324 Inf.  
 Smith, Howard, Hq Co. 106 Inf.  
 Smith, Justin P., Co. B 21 Engrs.  
 Smith, Martin, Co. K 327 Inf.  
 Smith, Ray, Co. K 106 Inf.  
 Snyder, Louis, Co. D 307 Inf.  
 Sorocki, Albert A., Co. D 102 Engrs.  
 Spencer, Ansel, Co. K 327 Inf.  
 Sperring, John, Co. M 306 Inf.  
 Spezzale, Peter, Co. G 306 Inf.  
 Spinelli, Antonio, Co. D 318 MG Bn.  
 Spohrer, Joseph Carl, Co. L 308 Inf.  
 Spycholski, Wlad, Co. G 306 Inf.  
 Stachowski, Mathew H., Co. B 30 Inf.  
 Stark, Herman P., Co. L 308 Inf.  
 Stay, Frederick, Co. H 307 Inf.  
 Stein, Daniel, Co. L 109 Inf.  
 Sternberger, Leon A., Co. C 165 Inf.  
 Stern, Philip, Co. E 307 Inf.  
 Stone, Charles W., Co. I 106 Inf.  
 Story, John V. J., Co. M 105 Inf.  
 Straga, George, Co. F 38 Inf.  
 Strassle, Frederick H., MG Co. 306 Inf.  
 Strauss, Edward, Co. C 308 Inf.

## New York—Continued

- Streeter, Lucius R., Co. H 308 Inf.  
 Stroh, Henry P., Co. D 106 Inf.  
 Stuck, Adolph W., MG Co. 306 Inf.  
 Sturniolo, David, Co. C 106 Inf.  
 Styborski, Stanley, Co. H 109 Inf.  
 Stypczynski, Leonard, Co. G 306 Inf.  
 Sullivan, John, Co. D 318 MG Bn.  
 Sullivan, John J., Co. C 106 Inf.  
 Sullivan, Walter J., Co. A 106 Inf.  
 Supperstein, Abraham, Co. L 315 Inf.  
 Swenson, Paul M., Co. F 11 Engrs.  
 Tabolt, Lyle O., Co. M 23 Inf.  
 Taft, Chester M., Co. G 306 Inf.  
 Tallman, George Washington, Co. D 307 Inf.  
 Tampa, Nicholas, Co. K 327 Inf.  
 Tanner, Samuel, MG Co. 30 Inf.  
 Tauber, Gustave, Co. B 311 Inf.  
 Teal, John P., Co. D 311 Inf.  
 Teator, Kenneth W., Co. M 106 Inf.  
 Tenner, George V., Co. L 308 Inf.  
 Testa, Tom, Co. G 305 Inf.  
 Thaler, Herman C., Co. B 325 Inf.  
 Thompson, Arthur W., Co. F 106 Inf.  
 Thompson, Charles, Co. G 309 Inf.  
 Thompson, Josef, Co. C 110 Inf.  
 Thompson, Samuel, Co. I 165 Inf.  
 Thune, Edward, Co. M 23 Inf.  
 Tierney, William M., MG Co. 310 Inf.  
 Tietjen, Frederick H., Co. L 106 Inf.  
 Tingo, Peter J., Co. F 11 Engrs.  
 Tirnetta, Pietro, Co. B 306 Inf.  
 Tobiassen, John, Btry A 10 FA.  
 Torrizzo, Fred, Co. H 106 Inf.  
 Tracey, Joseph J., Co. C 106 Inf.  
 Traina, Mauro, Co. L 328 Inf.  
 Trzeciak, Steven, Co. K 106 Inf.  
 Tucker, Harry, Co. F 313 Inf.  
 Tucker, Jack, Co. C 308 Inf.  
 Turano, Joseph, Co. C 308 Inf.  
 Tuscana, Leo J., 3 TM Btry 3 Arty  
     Brig.  
 Ullman, David L., Hq Co. 309 Inf.  
 Underberg, Irving, Co. C 307 Inf.  
 Upton, Frank, Co. B 11 Engrs.  
 Urbanowski, Leon E., Co. C 60 Inf.  
 Utkowitz, Frank, Co. L 308 Inf.  
 Van de Mark, Myron, Co. B 11 Engrs.  
 Ventimiglia, Salvatore, Co. D 307  
     Inf.  
 Verteromo, James, Co. G 306 Inf.  
 ViaCava, Joseph F., Co. A 305 Inf.  
 Victor, Arthur A., Co. C 316 Inf.  
 Villano, Michele, Co. G 128 Inf.  
 Visceglio, Vincenzo, Co. G 306 Inf.  
 Voleno, Rocco M., Co. D 318 MG Bn.  
 Volk, Jerome D., Co. K 107 Inf.  
 Vorach, Charles J., Co. G 306 Inf.  
 Wagner, Carl F., Co. L 308 Inf.  
 Walker, James F., San Det 106 Inf.  
 Walter, Anthony G., Co. D 30 Inf.  
 Wandtke, Charles, Co. K 327 Inf.  
 Warner, Theodore Henry, Co. B 311  
     Inf.  
 Waters, Frank A., Co. K 107 Inf.  
 Waterstrat, Norman A., Co. K 357  
     Inf.  
 Watson, Horatio, Co. M 107 Inf.  
 Waxelbaum, Harry, MG Co. 306 Inf.  
 Weekes, William E., MG Co. 310 Inf.  
 Weisberg, Morris, Co. G 306 Inf.  
 Wendell, Philip L., Co. A 106 Inf.  
 Werner, August A., Co. G 306 Inf.  
 Werner, William John, MG Co. 306  
     Inf.  
 Wever, Gustav, Jr., Co. E 114 Inf.  
 Whalen, Arthur W., Co. D 318 MG  
     Bn.  
 Wheeler, Lewis S., Co. D 307 Inf.  
 Whelan, William H., Co. F 306 Inf.  
 White, William Francis, Co. E 107  
     Inf.  
 Whittaker, Thomas W., Co. L 308  
     Inf.  
 Widberg, Karl Harry, Co. I 107 Inf.  
 Williams, Claude L., Co. B 311 Inf.  
 Williams, Frank, Co. L 328 Inf.  
 Willinger, Isadore, Co. K 307 Inf.  
 Wills, Frederick A., Co. G 306 Inf.  
 Winne, James D., Co. C 106 Inf.  
 Wishnick, Joseph, Co. G 326 Inf.  
 Wood, Joseph A., Co. B 308 Inf.  
 Woodhead, Enoch C., Co. F 306 Inf.  
 Wysocki, Anthony F., Co. G 306 Inf.  
 Yaccarino, John A., Co. I 106 Inf.  
 Yalen, Maurice, Co. E 307 Inf.  
 Yanneck, William Edward, MG Co.  
     310 Inf.  
 Yegelwel, Israel, Co. I 115 Inf.  
 Ziebski, Frank, Co. B 311 Inf.  
 Zirt, Abraham, Co. M 105 Inf.  
 Zizzamia, Giuseppe, Co. M 327 Inf.  
 Zobel, John, MG Co. 306 Inf.  
 Zoeb, John B., Co. G 306 Inf.  
 Zorn, William, Co. A 106 Inf.  
 Zuckerman, Harry, Co. E 328 Inf.  
 Zuila, Marius, Co. A 327 Inf.

## NORTH CAROLINA

## Officers

- Bellamy, Hargrove, 1st Lt., Co. A 119 Inf.  
 Harris, Don R., 1st Lt., 211 Aero Sq.

## PRISONERS OF WAR

## North Carolina—Continued

Klingman, Edwin C., 1st Lt., 32 Aero Sq.  
 Montague, Paul N., 1st Lt., 95 Aero Sq.  
 Smith, William Oliver, 1st Lt., Co. B 318 MG. Bn.  
 Artz, John W., 2nd Lt., 8 Aero Sq.  
 Keesler, Samuel R., Jr., 2nd Lt., 24 Aero Sq.  
 Walker, Alfred H., 2nd Lt., Co. F 113 Inf.

## Enlisted Men

Allred, Ernest J., Co. D 318 MG Bn.  
 Alwran, Argus L., Co. G 11 Inf.  
 Bell, Edgar L., Co. H 322 Inf.  
 Boney, Willie, Co. E 324 Inf.  
 Brown, Ezar F., Co. H 119 Inf.  
 Cartwright, John, Co. H 119 Inf.  
 Clippard, Klutz B., Co. H 119 Inf.  
 Denton, Paul, Co. F 28 Inf.  
 Dunnican, Nathan, Co. G 366 Inf.  
 Eller, Raleigh A., MG Co. 119 Inf.  
 Elliott, Elisha H., Co. E 365 Inf.  
 Gibson, Sam, Co. H 119 Inf.  
 Greene, Roscoe, MG Co. 11 Inf.  
 Halyburton, Edgar H., Co. F 16 Inf.  
 Hamilton, John H., Co. G 119 Inf.  
 Higgins, Elmer J., Co. K 18 Inf.  
 Holcombe, Reginald N., Co. H 119 Inf.  
 Lloyd, Ivan G., Med Det 110 Inf.  
 Lowe, Walter T., Co. C 165 Inf.  
 Lumpkin, Charles M., Co. G 119 Inf.  
 Mitchell, Lewis, Co. B 324 Inf.  
 Moser, Eugene E., Co. C 119 Inf.  
 Norris, Ernest, Co. M 119 Inf.

Pearcy, Joe N., Co. H 119 Inf.  
 Pearson, Henry F., Co. H 119 Inf.  
 Perry, William E., Co. E 18 Inf.  
 Pierce, Ambrose Franklin, Co. H 119 Inf.  
 Puckett, John, Co. F 119 Inf.  
 Rash, Lee F., Co. H 119 Inf.  
 Reece, Grant, Co. F 119 Inf.  
 Roberts, Emery, Co. H 119 Inf.  
 Sams, Willie, Co. K 119 Inf.  
 Seawell, John Hinton, Co. F 119 Inf.  
 Sprouse, Hiram A., Co. G 120 Inf.  
 Stanley, Robert B., Co. H 365 Inf.  
 Taylor, Pearlie Joseph, Co. H 119 Inf.  
 Tew, Lonnie, Co. F 119 Inf.  
 Tilton, Edward L., Co. E 119 Inf.  
 Tomblin, Whiteford, Co. F 119 Inf.  
 Walker, Robie A., Co. H 119 Inf.  
 Ward, Warrie P., Co. M 109 Inf.  
 Williams, Sam W., Co. F 119 Inf.  
 Wilson, Claudy C., Co. F 119 Inf.  
 Winstead, Samuel, Co. F 119 Inf.  
 Wood, Jonah E., Co. C 120 Inf.

## NORTH DAKOTA

## Officers

None.

## Enlisted Men

Almaas, Henry C., Co. G 101 Inf.  
 Anderson, Daniel G., Co. A 139 Inf.  
 Backus, Rudolf M., Co. K 18 Inf.  
 Bakken, Oscar E., Co. H 38 Inf.  
 Balbo, Harry, Co. A 139 Inf.  
 Bengston, Axel S., Co. M 139 Inf.  
 Boehnke, John D., Co. C 137 Inf.  
 Coombes, John H., Co. M 26 Inf.  
 Cousineau, Eli, Co. E 350 Inf.  
 Erickson, Oscar O., Co. D 128 Inf.  
 Fossen, Bert Melvin, Co. H 138 Inf.  
 Fuller, Ralph D., Co. D 137 Inf.  
 Gibson, Fred E., Co. I 139 Inf.  
 Hanson, Alfred E., Co. F 139 Inf.  
 Herigstad, Lars, Co. E 357 Inf.  
 Hinsz, Emanuel, Co. B 128 Inf.  
 Hjelle, Frederick E., Co. K 327 Inf.  
 Johnson, Robert, Co. F 308 Inf.

Knarreborg, Carl L., Co. H 138 Inf.  
 Knittel, David, Co. K 140 Inf.  
 Kolettes, George, Co. F 132 Inf.  
 McIntyre, Clifton C., Co. H 138 Inf.  
 Moeckel, Paul F., Co. D 140 Inf.  
 Montgomery, Frank V., Co. L 140 Inf.  
 Moran, Earl H., Hq Co. 18 Inf.  
 Morey, Adelbert, Co. K 18 Inf.  
 Morgan, Fred K., Co. L 140 Inf.  
 Motlock, Gottlieb, Co. A 128 Inf.  
 Opsal, Olaf, Co. D 327 Inf.  
 Pedersen, Kolbjorn, Co. E 139 Inf.  
 Quam, Oscar P., Co. C 18 Inf.  
 Redenbo, William J., Co. G 139 Inf.  
 Rollman, Hector E., Co. I 18 Inf.  
 Sannes, Axel L., Co. B 102 Inf.  
 Sather, Alfred, Co. C 18 Inf.

## North Dakota—Continued

Schlack, August F., Co. H 359 Inf. Tougas, Meddy C., Co. I 357 Inf.  
 Schons, Andrew J., Co. D 137 Inf. Valure, Jake, Co. A 137 Inf.  
 Sherritt, Asa Wesley, Co. D 137 Inf. Wood, Dueber R., Co. K 139 Inf.  
 Stark, Arthur C., Co. H 138 Inf.

## OHIO

## Officers

Vanderkooi, David, Capt., Co. F 359 Inf.  
 Avery, Walter L., 1st Lt., 95 Aero Sq.  
 Curtis, Marvin K., 1st Lt., 148 Aero Sq.  
 Gordon, William Henry, 1st Lt., Med. Corps 9 Inf.  
 Martin, Richard C., 1st Lt., 27 Aero Sq.  
 Maxson, Charles W., 1st Lt., Med. Corps.  
 Robinson, Andrew S., 1st Lt., Med. Corps.  
 Root, Ralph R., 1st Lt., 11 Aero Sq.  
 Sperry, John A., 1st Lt., 22 Aero Sq.  
 Strauss, Abraham, 1st Lt., Med. Corps.  
 Verwohlt, Howard W., 1st Lt., 91 Aero Sq.  
 Wanamaker, Walter B., 1st Lt., 27 Aero Sq.  
 Kenyon, Johnson D., 2nd Lt., 148 Aero Sq.  
 Todd, Robert Miles, 2nd Lt., 17 Aero Sq.  
 Fribley, Custer, 2nd Lt., QMC.

## Enlisted Men

Adams, Ira Robert, Hq Co. 128 Inf.  
 Amore, Jesse, Co. I 166 Inf.  
 Bassoni, Giovani, Co. H 11 Inf.  
 Battiste, Edward W., Co. A 127 Inf.  
 Billeter, Lewis C., Co. D 61 Inf.  
 Blon, Carl, Co. E 61 Inf.  
 Bonanasso, Giorgio, Co. F 101 Inf.  
 Borys, Wartlaw, Co. H 147 Inf.  
 Bowman, Leroy, Co. A 148 Inf.  
 Brayer, Mike, Co. C 316 Inf.  
 Brown, Edward C., Co. K 28 Inf.  
 Brown, Jerry A., Co. I 166 Inf.  
 Brown, Randall, Co. C 16 Inf.  
 Burman, Lawrence E., Co. F 153 Inf.  
 Burt, Chester B., Co. M 316 Inf.  
 Cardella, Francesco, Co. B 328 Inf.  
 Cates, Floyd, Co. A 7 Inf.  
 Chapman, Robert B., Co. B 102 Inf.  
 Cherry, Dean, Co. K 147 Inf.  
 Clark, Archie B., Co. I 166 Inf.  
 Cohen, David Louis, Co. K 111 Inf.  
 Deitschle, George W., Co. I 166 Inf.  
 DeMars, James E., Co. D 102 Inf.  
 Dunkel, Harry, Co. M 109 Inf.  
 Eaton, Fred T., Co. M 316 Inf.  
 Edelin, Joseph A., Co. C 7 Inf.  
 Edgar, Howard, Co. B 16 Inf.  
 Ewing, Nelson H., Btry A 10 FA.  
 Farbstein, Hyman, Co. K 131 Inf.  
 Farley, Brant A., Co. I 166 Inf.  
 Fazio, Joe, Co. G 101 Inf.  
 Feasel, Alvin E., Co. M 148 Inf.  
 Ferris, Bert A., Co. I 166 Inf.  
 Fisher, Merlow E., Co. G 59 Inf.  
 Fisher, Richard, Co. H 61 Inf.

Fitzer, John R., Co. E 357 Inf.  
 Flood, Charles C., Co. G 166 Inf.  
 Fuchs, Samuel, Hq Co. 166 Inf.  
 Gates, John A., Co., H 38 Inf.  
 Good, Leonard H., Co. M 38 Inf.  
 Grace, Joe, Co. H 11 Inf.  
 Gram, Charles William, Co. G 112 Inf.  
 Gramling, Clemens J., Co. I 166 Inf.  
 Greenburg, Jacob, Co. D 102 Inf.  
 Harmon, John, Co. C 126 Inf.  
 Heleniak, Antonio, Co. I 166 Inf.  
 Higgins, Raymond J., Co. K 101 Inf.  
 Hitefield, Elzie, Co. M 103 Inf.  
 Hoak, William L., Co. B 11 Inf.  
 Houff, Joseph A., Co. K 327 Inf.  
 House, Robert Lee, Co. K 9 Inf.  
 Hudson, George E., Co. M 110 Inf.  
 Hyde, George L., Co. H 110 Inf.  
 Irwin, Nova N., Co. C 18 Inf.  
 Kaczmarek, Ignac, Co. B 111 Inf.  
 Kaufmann, Wilford Edward, Co. L 308 Inf.  
 Kazlman, Elmer H., Co. M 165 Inf.  
 Keefe, Robert M., Co. I 166 Inf.  
 Kelly, Fred N., Co. E 101 Inf.  
 Kennedy, Wallace D., Co. C 60 Inf.  
 King, Leo Lewis, Co. I 101 Inf.  
 Kinney, William, Co. K 18 Inf.  
 Knaack, Fred C., Co. F 101 Inf.  
 Leisenheimer, Charles, Co. D 145 Inf.  
 Lingrell, Otho H., Co. E 101 Inf.  
 Livingstone, William, Co. H 16 Inf.  
 Locke, Charles Edward, Sec 546 Amb Corps.

## PRISONERS OF WAR

## Ohio—Continued

- Long, Joseph G., Co. I 166 Inf.  
 Longacre, George, Co. B 147 Inf.  
 McGrath, Julian E., Co. A 134 MG Bn.  
 McQuesten, George H., Co. A 102 Inf.  
 Marshall, George M., Co. K 11 Inf.  
 Martinuk, John, Co. C 316 Inf.  
 Mathey, Roy J., Co. B 16 MG Bn.  
 Meyer, Frank J., Co. L 9 Inf.  
 Miller, Frank, Co. M 145 Inf.  
 Moras, Juan, Co. I 18 Inf.  
 Morello, Philipo, Co. H 11 Inf.  
 Morgan, Thomas, MG Co. 9 Inf.  
 Morin, Charles, Co. I 166 Inf.  
 Morris, Lewis H., Co. H 101 Inf.  
 Morrison, Patrick D., Co. E 101 Inf.  
 Newton, Clarence E., Co. I 9 Inf.  
 Nixon, John H., Co. I 166 Inf.  
 Nordquest, John, Co. A 331 Inf.  
 Nunziatta, Carmen, Co. A 18 Inf.  
 Oldag, William E., Co. I 117 Inf.  
 Orwig, Albert C., Co. F 58 Inf.  
 Payton, Jerome, Co. G 365 Inf.  
 Pennington, Robert L., Co. B 61 Inf.  
 Perusek, Victor, Co. M 330 Inf.  
 Pfeil, Clarence W., Co. K 327 Inf.  
 Pickens, Robert W., Co. F 60 Inf.  
 Pogendick, William, Co. K 61 Inf.  
 Poling, John H., Hq Co. 129 Inf.  
 Povelick, William, Co. H 147 Inf.  
 Radcliff, Styles, Co. I 166 Inf.  
 Ranke, William V., Co. I 166 Inf.  
 Rathbun, Frank Edward, Co. I 117 Inf.  
 Rector, Alfred, Co. G 365 Inf.  
 Reed, Forest E., Co. A 104 Inf.  
 Richner, Herbert W., Co. G 112 Inf.  
 Riley, Howard W., Co. K 110 Inf.  
 Risill, Steve, Co. H 109 Inf.  
 Roberts, Millard F., Co. M 23 Inf.  
 Rohrer, Charles I., Med Corps 30 Inf.  
 Roof, Lawrence S., Co. D 104 Inf.  
 Ruzicka, Vladimir, Co. I 166 Inf.
- Sacco, Sam, Co. C 111 Inf.  
 Sebe, Harry, Co. M 23 Inf.  
 Sergeant, Charley E., Co. A 145 Inf.  
 Siminiak, Metro, Co. H 38 Inf.  
 Sites, Leslie, Co. A 148 Inf.  
 Skinner, John, Co. H 372 Inf.  
 Smith, George A., Co. D 365 Inf.  
 Sperry, William Lumpkin, Co. A 104 Inf.  
 Stanberry, John E., Co. K 327 Inf.  
 Starline, Roy, Co. K 148 Inf.  
 Staszak, Walery, Co. M 327 Inf.  
 Stephenson, Alfred W., Co. A 327 Inf.  
 Stevens, Albert, Co. M 148 Inf.  
 Stockman, Ludwig G., Co. E 59 Inf.  
 Stone, Thomas P., Co. F 58 Inf.  
 Sullivan, Daniel Leo, Co. B 328 Inf.  
 Szuhoy, Benjamin, Co. M 145 Inf.  
 Taylor, Robert C., Co. K 28 Inf.  
 Tolie, Carry D., Co. B 128 Inf.  
 Ulatowski, Marion V., Co. C 316 Inf.  
 Verdino, Generose, Co. H 101 Inf.  
 Ward, Allen H., Co. B 6 Engrs.  
 Ward, Harry, Co. C 111 Inf.  
 Warner, Calvin, Co. K 127 Inf.  
 Waren, Stanley, Co. E 101 Inf.  
 Watson, Alva Dean, Co. M 109 Inf.  
 Weate, Alma, Co. I 166 Inf.  
 Weider, Holmes, Co. I 166 Inf.  
 Weise, Peter A., Co. I 125 Inf.  
 Weisend, Lawrence L., Co. A 316 Inf.  
 Wickham, Daniel, Co. I 126 Inf.  
 Wiehe, Clifford H., Co. A 9 MG Bn.  
 Willson, Don E., Co. E 23 Inf.  
 Williamson, Robert, Co. D 365 Inf.  
 Willis, Alonzo E., Co. A 148 Inf.  
 Yakunovich, Steve, Co. G 11 Inf.  
 Yauger, William H., Co. C 111 Inf.  
 Young, Morris E., Co. M 110 Inf.  
 Zajic, Frank, Co. F 101 Inf.  
 Zielinski, Joe, Co. E 38 Inf.  
 Zimmerman, George, Co. M 316 Inf.

## Killed in Action, In the Hands of the Enemy

## Officers

- Harris, Charles Dashiell, Capt., Co. B 6 Engrs.  
 Moody, Rolfe, Capt., Co. I 117 Inf.  
 Anderson, Charles Patrick, 1st Lt., 96 Aero Sq.  
 Frost, Henry B., 1st Lt., 17 Aero Sqdn.  
 Kinney, Clair A., 1st Lt., 49 Aero Sqdn.  
 Roper, Kenyon, 1st Lt., 91 Aero Sqdn.  
 Stephenson, Wayne, 1st Lt., 28 Aero Sqdn.  
 Stiles, Robert H., 1st Lt., Att. 13 Aero Sqdn.  
 Cory, Harvey Lawrence, 2nd Lt., MG. Co. 310 Inf.

## Enlisted Men

- Alsleben, Robert A., Co. A 308 Inf.  
 Anania, Louis, Co. F 101 Inf.  
 Bair, William H., Co. H 112 Inf.
- Barnick, William H., Co. H 359 Inf.  
 Carlsen, Nels Peter, Co. D 128 Inf.  
 Christoffersen, Soren, Co. D 358 Inf.

## APPENDIX IX

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### Ohio—Continued

- Clowe, Edward P., Co. G 165 Inf.  
Comer, Donald F., Co. F 131 Inf.  
Curran, John T., Co. C 316 Inf.  
Delvecchio, John, Co. C 106 Inf.  
Draney, Harold A., Co. D 16 Inf.  
Dunfield, Hiram Alexander, Co. C  
126 Inf.  
Fisher, Theodore W., Co. C 318 Inf.  
Gaedke, Benjamin F., Hq Co. 308  
Inf.  
Gerger, Henry F., Co. G 309 Inf.  
Hazen, Daniel W., Co. C 110 Inf.  
Heptonstall, James E., Co. D 358 Inf.  
Jackson, Walter W., Co. D 58 Inf.  
Jones, Earl E., Co. C 110 Inf.
- Katz, Adolph, Co. I 309 Inf.  
Kessell, Valentine N., Co. E 167 Inf.  
Malone, James M., Co. L 324 Inf.  
Mapes, Lloyd B., Co. G 166 Inf.  
Palo, Ledise Rocco, Co. B 4 Inf.  
Rico, Jim N., Co. F 359 Inf.  
Schilknecht, Charles P., Co. B 307  
Inf.  
Shoben, Israel, Co. D 309 Inf.  
Siever, Edwin, Co. D 125 Inf.  
Suttles, Layton, Co. C 324 Inf.  
Vitek, Jerry A., Co. C 309 Inf.  
Wiike, Charles E., Co. H 112 Inf.

## OKLAHOMA

### Officers

None.

### Enlisted Men

- Adams, Walter C., Co. C 110 Inf.  
Babbitt, Charles H., Co. H 140 Inf.  
Bainbridge, Felix, Co. D 102 Inf.  
Barnette, John F., Co. G 140 Inf.  
Bell, Jerry E., Co. A 142 Inf.  
Blanton, Emmett, Co. C 140 Inf.  
Bohler, Herman W., Co. G 112 Inf.  
Booth, Hiram B., Co. C 358 Inf.  
Boyer, Joseph, Co. E 109 Inf.  
Brown, Roy J., Co. D 358 Inf.  
Pyrd, Harvey K., Co. E 140 Inf.  
Castleberry, George W., Co. C 110  
Inf.  
Craig, Henry D., Co. B 140 Inf.  
Crosser, Roy E., Co. G 112 Inf.  
Crow, Herbert, Co. H 140 Inf.  
Dismukes, George, Co. L 357 Inf.  
Donohew, Wick M., MG Co. 30 Inf.

- Hurd, Richard L., Co. G 47 Inf.  
Kendall, Vernon M., Co. F 16 Inf.  
Kennedy, John, Co. F 359 Inf.  
Krepps, Joseph R., Co. A 142 Inf.  
Kuoer, Paul H., Co. F 111 Engrs.  
Leslie, Carl Clarence, Co. G 112 Inf.  
Loren, Andrew, Co. F 369 Inf.  
Luellen, Frank Montgomery, Co. G  
140 Inf.  
Lynch, Jesse A., Co. K 112 Inf.  
McFarland, Alva, Co. G 112 Inf.  
Martin, John H., Co. A 142 Inf.  
Meyer, Frank T., Co. E 357 Inf.  
Miller, Harry, Co. E 358 Inf.  
Mitchell, Louis W., Co. C 327 Inf.  
Keff, Earl R., Co. G 112 Inf.  
Parrish, John E., Co. H 112 Inf.  
Penwright, John T., Co. B 344 MG  
Bn.  
Plaster, Arthur W., Co. E 56 Inf.  
Porter, William F., Co. L 110 Inf.  
Pourron, George F., Co. E 357 Inf.  
Powers, Willis A., Co. C 110 Inf.  
Razorshek, Frank, Co. I 56 Inf.  
Reed, Benjamin M., Co. L 142 Inf.  
Rice, George David, Co. G 112 Inf.  
Robbins, Dalos A., Co. C 142 Inf.  
Rogers, William, Co. D 140 Inf.  
Shaffer, Clyde F., Co. C 110 Inf.  
Shaw, Walter Q., Co. C 110 Inf.  
Simon, John A., Co. C 357 Inf.  
Smith, John W., Co. H 114 Inf.  
Snelson, John W., Co. C 324 Inf.  
Stafford, John E., Co. C 357 Inf.  
Stine, James M., Co. A 142 Inf.  
Stinson, Buster L., Co. C 142 Inf.

## PRISONERS OF WAR

## Oklahoma—Continued

Tabor, John B., Co. G 112 Inf.	Watts, Nathan E., Co. C 110 Inf.
Tatman, Jennings B., Co. G 112 Inf.	Whisenhunt, Noah L., Co. E 168 Inf.
Ticer, Charley M., Co. E 357 Inf.	Woodward, Hannibal B., Co. K 357 Inf.
Tourneaux, John Benjamin, Co. I 357 Inf.	
Townsend, Leo Cecil, Co. M 140 Inf.	Wyatt, Thomas A., Co. C 357 Inf.
Veitenheimer, Steve, Co. C 327 Inf.	Zemp, Henry, Co. K 109 Inf.
Wampler, Claude D., Co. A 132 MG Bn.	

## OREGON

## Officers

Floyd, Ralf A., 2nd Lt., 2 Av. Instr. Ctr.  
Shidler, Horace, 2nd Lt., 28 Aero Sq.

## Enlisted Men

Beaver, Roland, Hq Co. 30 Inf.	McEnany, Robert, Co. D 127 Inf.
Bennett, Jess J., Co. G 158 Inf.	Perry, Albert Lee, Co. C 363 Inf.
Cockerham, John H., Co. C 363 Inf.	Quigley, Tom, Co. H 101 Inf.
Guisiano, Fred, Co. E 110 Inf.	Stevens, Clarence L., Co. H 109 Inf.
McEnany, Fred W., Co. D 127 Inf.	Storms, Eiler, Co. B 128 Inf.

## PENNSYLVANIA

## Officers

Parkin, Harry D., Maj., Co. A 316 Inf.  
Cousart, James B., Capt., Co. L 109 Inf.  
Gee, James Edgar, Capt., 110 Inf.  
Kern, Thomas Benjamin, Capt., Med. Corps.  
Presper, Elmer J., Capt., Med. Corps.  
Truxal, William C., Capt., Co. C 110 Inf.  
Burke, Joseph P., 1st Lt., San Det 102 Inf.  
Drew, Charles W., 1st Lt., 13 Aero Sq.  
Edwards, Brooke, 1st Lt., 20 Aero Sq.  
Fredenburg, Milford Ward, 1st Lt., Co. G 112 Inf.  
Guy, Bert, 1st Lt., Co. C 110 Inf.  
Hitzeroth, Edward, 1st Lt., Co. M 109 Inf.  
Jeffrey, Robert Harrison, 1st Lt., Med. Corps.  
Lewis, Henry Carvill, 1st Lt., 96 Aero Sq.  
McClure, David M., 1st Lt., 213 Aero Sq.  
Mackey, Elmer D., 1st Lt., Co. I 101 Inf.  
Matthews, Arthur P., 1st Lt., Hq. Co. 108 MG. Bn.  
Miller, Frank K., 1st Lt., Med. Corps.  
Miller, Samuel, 1st Lt., Med. Corps.  
Muller, Harold D., 1st Lt., 12 Aero Sq.  
Quigley, James Earl, 1st Lt., Med. Corps.  
Redmond, Maurice S., 1st Lt., Med. Corps.  
Rex, Hilary B., 1st Lt., 9 Aero Sq.  
Rosen, Theodore, 1st Lt., Co. L 315 Inf.  
Schmelzer, Edward, 1st Lt., Co. G 112 Inf.  
Schell, Wilber E., 1st Lt., Co. C 110 Inf.  
Sloan, Herman, 1st Lt., Co. K 109 Inf.  
Swartz, Walter Lawrence, 1st Lt., Co. M 109 Inf.  
Tanne, William Wright, 1st Lt., 55 Aero Sq.  
Taylor, Edward R., 1st Lt., Co. K 110 Inf.  
White, John A., 1st Lt., Med. Corps.  
Young, Alfred A. L., 1st Lt., Co. H 112 Inf.  
Bonner, Robert J., 2nd Lt., Co. C 110 Inf.

## Pennsylvania—Continued

Brown, William Benjamin, 2nd Lt., Co. M 109 Inf.  
 Francis, Thomas E., 2nd Lt., Co. E 119 Inf.  
 Hadesty, George B., Jr., 2nd Lt., Co. E 47 Inf.  
 McDowell, Steward A., 2nd Lt., 96 Aero Sq.  
 McIlvaine, John J., 2nd Lt., 8 Aero Sq.  
 Wierman, Guyon J., 2nd Lt., Co. D 110 Inf.

## Enlisted Men

Abbatangelo, Rocco, Co. F 319 Inf.	Bernardini, Pietro, Co. M 109 Inf.
Achuff, Harry E., Co. M 109 Inf.	Berry, Raymond Earl, 305 Amb Co. 302 Sn Tn.
Acosta, Ralph, Co. M 109 Inf.	Beyer, Marcellus V., Co. H 318 Inf.
Adams, Arthur, Co. C 165 Inf.	Bickhart, Roy Robert, Co. M 109 Inf.
Adams, Charles R., 2nd Tank Brig.	Bielski, Teofil, Co. I 111 Inf.
Adams, George W., Co. A 165 Inf.	Bigler, Emanuel R., Co. G 112 Inf.
Adams, Martin J., Co. C 110 Inf.	Biraszewski, Henry, Co. G 112 Inf.
Adams, Robert E., Co. F 319 Inf.	Bisbing, Paul R., Co. M 109 Inf.
Albright, Ralph H., Co. M 109 Inf.	Bittner, Clyde L., Co. C 110 Inf.
Aldridge, William, Sec. 632 Amb. Corps.	Bixler, Walter S., Med Det 110 Inf.
Alexander, Russell M., Co. C 110 Inf.	Blinn, Boyd S., Co. B 110 Inf.
Allen, Charles, Co. C 316 Inf.	Boalo, Peter W., Co. F 319 Inf.
Allen, Thomas H., Co. C 110 Inf.	Bohn, William F., Co. M 109 Inf.
Ames, Ralph R., Co. B 110 Inf.	Bolland, Orval B., Co. B 110 Inf.
Anderson, Edwin G., Co. M 109 Inf.	Boller, James W., Co. C 110 Inf.
Anderson, Ernest S., Co. F 319 Inf.	Bonarrigo, Palo, Co. L 328 Inf.
Anderson, Frank G., Co. B 110 Inf.	Bonfini, Ugo, Co. C 110 Inf.
Anderson, Julius, Co. H 112 Inf.	Bongard, Joseph A., Co. L 109 Inf.
Anderson, Richard A., Co. G 112 Inf.	Borinsky, William F., Co. L 109 Inf.
Anglo, Samuel, Co. H 112 Inf.	Borland, Max, Co. M 109 Inf.
Annszewski, Walter, Co. M 58 Inf.	Bosler, William T., Co. C 110 Inf.
Ardizzi, Guisseppi, Co. B 30 Inf.	Bowen, John A., Co. G 127 Inf.
Axel, Morris, Co. B 110 Inf.	Bowers, Milton H., Co. F 319 Inf.
Baker, Frank L., Co. C 110 Inf.	Boyer, Arthur E., Co. C 110 Inf.
Ballon, Charles J., Co. D 18 Inf.	Boyer, Nelson, Co. M 109 Inf.
Barber, Antonio, Co. M 109 Inf.	Bradley, Watson A., San Det 109 Inf.
Barnes, Edwin N., Co. G 112 Inf.	Brandstetter, Peter J., Co. G 112 Inf.
Barrett, Mitchell A., Co. L 109 Inf.	Brant, Joseph S., Co. C 110 Inf.
Bartromo, George, Co. C 111 Inf.	Brant, Kenneth M., Co. C 110 Inf.
Bartley, John C., MG Co. 30 Inf.	Breckline, Guy, Co. C 110 Inf.
Bassett, Edward F., Co. M 109 Inf.	Breen, Simon, Co. L 109 Inf.
Bast, Clarence R., Co. G 112 Inf.	Brenneman, Paul, Co. B 28 Inf.
Batchelor, Aaron, Co. M 109 Inf.	Bretz, Emory Wilbur, Co. G 112 Inf.
Bauer, Frank A., Co. C 61 Inf.	Brewer, Jacob A., Co. F 319 Inf.
Bazzani, Carlo, Co. B 30 Inf.	Brink, Walter R., Co. M 109 Inf.
Beachum, Noble J., Co. E 368 Inf.	Brisk, Joseph H., Co. M 109 Inf.
Beale, Earle C., Co. L 109 Inf.	Brody, Henry H., Co. M 109 Inf.
Beatty, Frank E., Med Det 110 Inf.	Brooks, Alonzo C., Co. H 112 Inf.
Beaver, John Allen, Co. M 109 Inf.	Bruno, Midio, Co. D 118 Inf.
Beaver, Samuel F., Co. C 110 Inf.	Bruno, Vitto, Co. L 109 Inf.
Becker, John F., Co. M 111 Inf.	Buechter, Harold, Co. M 109 Inf.
Becker, William J., Co. H 112 Inf.	Pulla, Harold, Co. C 110 Inf.
Bedner, Michael C., Co. H 112 Inf.	Bunting, Charles A., Co. L 109 Inf.
Beecher, John R., Co. G 112 Inf.	Burckell, John Adam, Co. G 112 Inf.
Behm, Charles E., Co. H 112 Inf.	Burnell, Harry M., Co. K 109 Inf.
Bell, Louis H., Co. B 110 Inf.	Burr, John L., Co. K 110 Inf.
Benson, Ralph, Co. F 319 Inf.	Purrini, Vincenzo, Co. B 30 Inf.
Bentz, Stephen J., Hq Co. 319 Inf.	Butler, James M., Co. A 148 Inf.
Berent, Joseph B., Co. F 319 Inf.	Byers, Ephriam G., Hq Co. 108 MG Bn.
Berger, Elmer M., Co. L 111 Inf.	Calabrese, Frank G., Co. L 109 Inf.
Berkебile, Fred W., Co. C 110 Inf.	

## Pennsylvania—Continued

- Callahan, William J., Co. B 110 Inf.  
 Cambarto, Benjamin, Co. H 112 Inf.  
 Camoine, Pasquale, Co. F 319 Inf.  
 Campbell, Bartholomew J., Co. C 110 Inf.  
 Cannon, William Hooker, Jr., Co. H 112 Inf.  
 Capuano, Guiseppe, Co. F 319 Inf.  
 Carchio, Francesco, Co. F 319 Inf.  
 Carey, Vincent L., Co. B 110 Inf.  
 Cargo, Gordon N., Co. G 112 Inf.  
 Carl, John W., Co. C 110 Inf.  
 Caries, William H., Co. M 328 Inf.  
 Carlson, Charles J., Co. F 319 Inf.  
 Casebeer, Charles, Co. C 110 Inf.  
 Casey, Francis Daniel, Co. C 111 Inf.  
 Cassels, Roland B., Co. I 315 Inf.  
 Casto, Farone, Co. G 112 Inf.  
 Catanese, Larid, Co. C 30 Inf.  
 Catranis, Theros, Co. G 112 Inf.  
 Cernic, Joseph P., Co. E 18 Inf.  
 Cerra, Pasquale, Co. F 319 Inf.  
 Challe, Nelson E., Co. F 319 Inf.  
 Chapman, James B., Co. G 112 Inf.  
 Chester, Andrew J., Jr., Co. C 110 Inf.  
 Christie, Walter, Co. M 109 Inf.  
 Chubboy, Louis M., Co. D 110 Inf.  
 Cianchetti, Antonio, Co. E 167 Inf.  
 Cianciullo, Albino, Co. D 327 Inf.  
 Ciccone, Daniel J., Co. L 109 Inf.  
 Cieclerski, Waldyslaw, Co. M 109 Inf.  
 Cifalia, John, Co. D 316 Inf.  
 Civilli, Tony, Co. B 30 Inf.  
 Clark, Leo B., Co. C 110 Inf.  
 Cleaver, John P., Co. C 110 Inf.  
 Clemson, Benjamin, Co. C 60 Inf.  
 Clepper, Charles S., Co. G 112 Inf.  
 Cobough, Clyde Burton, Co. M 109 Inf.  
 Coffey, James J., Co. C 110 Inf.  
 Coffroth, Alexander W., Co. C 110 Inf.  
 Colletti, John, Co. B 30 Inf.  
 Comfort, Scott F., Co. D 16 Inf.  
 Confer, Leon B., Co. L 112 Inf.  
 Congleton, Leroy E., Co. D 102 Inf.  
 Conley, Thomas A., Co. F 319 Inf.  
 Conner, Robert S., Co. B 110 Inf.  
 Cooper, John F., Co. G 112 Inf.  
 Corry, George W., Co. M 109 Inf.  
 Country, Dominick, Co. L 111 Inf.  
 Coxson, John H., Co. H 112 Inf.  
 Coyle, Peter M., Btry A 10 FA.  
 Crabtree, Leslie, Co. M 109 Inf.  
 Craig, Jefferson N., Co. F 38 Inf.  
 Cramer, Jesse W., Co. L 112 Inf.  
 Crawford, Stanley, Co. M 109 Inf.  
 Creger, Ralph, Co. A 111 Inf.  
 Crilley, Edward, Co. F 319 Inf.  
 Crisman, Henry, Btry D 77 FA.  
 Crissell, Stanley, Co. L 109 Inf.  
 Croasmun, Nathan, Co. F 319 Inf.  
 Cropicknitsky, Emel, Co. M 109 Inf.  
 Crouse, Edgar L., Co. C 110 Inf.  
 Crumpton, Adam G., Co. M 319 Inf.  
 Cugini, Donato, Co. G 112 Inf.  
 D'alessandro, Angelo, Co. B 30 Inf.  
 Daly, John B., Co. B 325 Inf.  
 Danderlo, Veto, Co. C 110 Inf.  
 D'Angelio, Carmine, Co. E 7 Inf.  
 D'Arcangelo, Antonio, Co. B 110 Inf.  
 Dardzinski, Joseph, Co. C 316 Inf.  
 Davis, George, Co. M 109 Inf.  
 Davis, Raymond I., Co. C 110 Inf.  
 Dawson, Joseph M., Co. B 110 Inf.  
 Dellinger, Barton, Co. C 110 Inf.  
 Demboske, Stanley J., Co. C 316 Inf.  
 Demkowski, Joseph, Co. F 319 Inf.  
 Depula, Tony, Co. C 110 Inf.  
 De Stefano, Antonio, Co. M 109 Inf.  
 De Stefano, Mark, Co. M 319 Inf.  
 Devirgillio, Rocco, Co. K 327 Inf.  
 Devlin, James Joseph, Co. G 326 Inf.  
 Devor, William, Jr., Co. L 109 Inf.  
 Diamond, Thomas Francis, Co. G 112 Inf.  
 Diana, Angelo, Co. C 30 Inf.  
 DiCicco, Domenico, Co. M 109 Inf.  
 Dickey, William Albert, 305 Amb Co. 302 San. Tn.  
 Dickinson, Whitford R., Co. M 109 Inf.  
 Deitrich, George D., Co. C 110 Inf.  
 Di Gregoria, Bonnie, Co. B 110 Inf.  
 Dine, Thomas L., Co. L 111 Inf.  
 Di Prinze, Pietro, Co. C 110 Inf.  
 DiSabatino, Serafina, Co. F 319 Inf.  
 Distefano, Agoteno, Co. C 30 Inf.  
 Dodson, Russell E., Co. C 5 MG Bn.  
 Doerr, Harry T., Co. C 110 Inf.  
 Dominick, John D., Co. B 110 Inf.  
 Dougherty, Owen, Co. I 9 Inf.  
 Doyka, Jacob, Co. B 30 Inf.  
 Dreyer, Harry F., Co. M 109 Inf.  
 Driesbaugh, Lyman W., Co. C 110 Inf.  
 Duffield, Frank E., Co. B 110 Inf.  
 Dwyer, Paul V. J., Co. L 109 Inf.  
 Eckenrode, Samuel L., Co. G 112 Inf.  
 Eckert, Charles H., Co. B 327 Inf.  
 Edgren, Oscar G., Co. L 319 Inf.  
 Edwards, Carter, Co. G 112 Inf.  
 Eicher, David L., Co. C 110 Inf.  
 Elder, Thomas J., Co. H 112 Inf.  
 Elvidge, Mark, Co. L 109 Inf.  
 Emrick, Clark, Co. C 110 Inf.

## Pennsylvania—Continued

- Enderlin, Carl C., Co. M 109 Inf.  
 Endzel, Joe, Co. C 110 Inf.  
 Epler, Clarence, Co. D 327 Inf.  
 Evans, William, Co. M 109 Inf.  
 Fadden, Arthur, Co. L 109 Inf.  
 Fahey, John P., Co. H 112 Inf.  
 Farrell, Michael J., Co. M 319 Inf.  
 Farrell, Patrick H., Co. A 38 Inf.  
 Fazio, Gregorio, Co. B 30 Inf.  
 Fazio, Salvatore, Co. M 109 Inf.  
 Felgar, Grover C., Hq Co. 60 Inf.  
 Fennessy, David J., Co. C 110 Inf.  
 Fenstermaker, William, Co. M 109 Inf.  
 Ferko, Andrew D., Co. A 30 Inf.  
 Ferris, William J., Co. G 112 Inf.  
 Fetcho, John, Co. C 315 Inf.  
 Fey, Carl, Co. L 28 Inf.  
 Filewicz, William, Co. F 61 Inf.  
 Filosio, Salvatore, Co. L 109 Inf.  
 Filosh, Michael, Co. H 112 Inf.  
 Fisher, Earl B., Co. C 110 Inf.  
 Fisher, Frank McC., Med Det 319 Inf.  
 Fisher, Rian A., Co. C 111 Inf.  
 Fitzpatrick, John J., Co. H 112 Inf.  
 Fleegle, Charles M., Co. C 110 Inf.  
 Fleeman, Frederic A., Co. G 112 Inf.  
 Floto, Robert A., Co. C 110 Inf.  
 Fontana, Armando, Co. I 320 Inf.  
 Foust, Herbert V., Co. C 110 Inf.  
 Francis, George J., Co. G 112 Inf.  
 Francisco, Secondo C., Co. F 319 Inf.  
 Frazer, Edward P., Co. M 109 Inf.  
 Freda, Joseph, Co. M 109 Inf.  
 Fredericks, Thomas A., Co. B 110 Inf.  
 Freeman, Frank E., Med Det 110 Inf.  
 Freer, Howard R., Co. L 109 Inf.  
 Freund, Sylvester A., Co. F 319 Inf.  
 Frozzo, Louis, Co. G 58 Inf.  
 Fruth, Frank L., Co. B 110 Inf.  
 Gabriele, Andrea F., Co. B 316 Inf.  
 Gajewski, Ignatz, Co. A 30 Inf.  
 Galeazza, Giamoco, Co. A 30 Inf.  
 Gann, Samuel, Co. A 316 Inf.  
 Gamble, Clarence O., Co. M 111 Inf.  
 Gardner, Lloyd C., Co. C 110 Inf.  
 Gardner, William J., Co. H 112 Inf.  
 Garman, Benjamin F., Co. G 112 Inf.  
 Gartside, Fred N., Co. B 110 Inf.  
 Garver, Elmer L., Co. B 110 Inf.  
 Gastrock, Edward S., Co. M 109 Inf.  
 Gaus, Carl J., Co. C 110 Inf.  
 Gaynor, John, Co. L 109 Inf.  
 Geonnotti, Samuel, Co. B 110 Inf.  
 Gibasiewicz, Stanley M., Co. C 110 Inf.  
 Gibb, Lewis W., 305 Amb Co. 302 San Tn.  
 Gibbons, Raymond H., Co. M 109 Inf.  
 Gibson, Eugene, Co. C 110 Inf.  
 Gilbert, Woolsey T., Hq Det 21 Engr.  
 Gilgallon, Patrick, Co. L 109 Inf.  
 Gilger, Elwood H., Co. M 109 Inf.  
 Gilmer, Raymond, Co. L 109 Inf.  
 Ginther, Karl W., Co. G 315 Inf.  
 Glaab, Lawrence F., Co. B 110 Inf.  
 Gleichman, Fred H., Co. C 316 Inf.  
 Glessner, Merle K., Co. C 110 Inf.  
 Gloss, Frank, Co. G 306 Inf.  
 Glover, John J., Co. B 110 Inf.  
 Glowicki, Frank, Co. F 319 Inf.  
 Gochenauer, Roy M., Co. G 112 Inf.  
 Goe, Clyde E., Co. D 131 Inf.  
 Goldman, Louis J., Btry C 103 FA.  
 Goodman, George, Co. C 60 Inf.  
 Goodrich, Roy C., San Det 112 Inf.  
 Gorbatoff, Onisefor, Co. L 60 Inf.  
 Gorman, Edward W., Co. M 109 Inf.  
 Gormley, Louis J., Co. C 110 Inf.  
 Gouffer, Mark, Co. G 112 Inf.  
 Gould, Harvey R., Co. F 319 Inf.  
 Graeff, Howard, MG Co. 109 Inf.  
 Graham, Howard H., Co. B 110 Inf.  
 Graves, Carl Raymond, Co. G 112 Inf.  
 Gray, Louis H., Co. B 110 Inf.  
 Graziosa, Patsy, Co. L 327 Inf.  
 Greeley, James H., Jr., Co. M 109 Inf.  
 Greenberg, Hyman, Co. M 109 Inf.  
 Gregor, Fred, MG Co. 30 Inf.  
 Grice, George H., Co. M 319 Inf.  
 Grimes, Albert Thompson, Co. M 109 Inf.  
 Grimm, Orth, Co. C 110 Inf.  
 Griesser, Joseph, Co. L 111 Inf.  
 Gross, John, Co. G 112 Inf.  
 Grynko, Michael, Co. C 30 Inf.  
 Gryskiewicz, Joseph, Co. D 102 Inf.  
 Gunnis, William H. V., Hq Co. 108 FA.  
 Gush, Thomas M., Co. L 109 Inf.  
 Gustiff, Joe, Co. G 112 Inf.  
 Gutowsky, Felix, Co. B 30 Inf.  
 Guy, Arthur, Co. B 110 Inf.  
 Haag, Friend, Co. M 109 Inf.  
 Hamaker, David W., Co. C 110 Inf.  
 Haney, John T., MG Co. 30 Inf.  
 Hanna, Lee Gilbert, 305 Amb Co. 302 San Tn.  
 Harmony, Eugene B., MG Co. 109 Inf.  
 Harris, William E., Co. L 109 Inf.  
 Harrison, Samuel M., Co. F 319 Inf.

## Pennsylvania—Continued

- Hartle, Lawrence J., Co. C 110 Inf.  
 Hartman, Carl C., Co. L 318 Inf.  
 Harty, Edward J., MG Co. 306 Inf.  
 Harvey, James S., Co. M 126 Inf.  
 Harvey, Leo F., Co. L 111 Inf.  
 Haslam, George H., Co. G 112 Inf.  
 Hay, James E., Co. H 112 Inf.  
 Hayden, Samuel H., Co. C 110 Inf.  
 Hazlett, Heber L., Co. G 112 Inf.  
 Heckert, William F., Jr., 621 Amb Serv Co.  
 Heckman, Blair C., Hq Co. 108 FA.  
 Hefflefinger, Mervin Frank, Co. G 112 Inf.  
 Hefflefinger, Robert M., Co. G 112 Inf.  
 Hemphill, Albert F., Co. L 109 Inf.  
 Heney, James J., Co. M 109 Inf.  
 Henn, William, Co. F 319 Inf.  
 Henry Charles F., Co. C 110 Inf.  
 Henry Ralph P., Co. B 110 Inf.  
 Herrington, Earl V., Co. B 110 Inf.  
 Hershey, William Elmer, Co. G 112 Inf.  
 Hess, Roland F., Co. L 109 Inf.  
 Hetrick, Charles H., Co. H 112 Inf.  
 Higgins, John J., Co. D 110 Inf.  
 Hildebrand, Charles, Co. F 319 Inf.  
 Hill, Roy A., Co. L 109 Inf.  
 Hipp, Joseph J., Co. H 315 Inf.  
 Hockl, Joseph, Co. D 16 Inf.  
 Hodge, Matthew, Co. C 110 Inf.  
 Hodgson, Fred, Co. M 109 Inf.  
 Hodowud, Thomas, Co. H 109 Inf.  
 Hodum, Harry W., Co. H 112 Inf.  
 Hoffman, Edwin Henry, Co. M 109 Inf.  
 Hoffman, George H., Co. M 109 Inf.  
 Holden, Edward William, Co. F 319 Inf.  
 Holden, John P., Co. K 315 Inf.  
 Hollywood, Joseph A., Co. H 109 Inf.  
 Hosler, William B., Co. L 109 Inf.  
 Hostetler, Carl M., Co. C 110 Inf.  
 Houck, George M., Co. B 30 Inf.  
 Houser, Charles R., Co. H 112 Inf.  
 Howard, Charles L., Co. K 109 Inf.  
 Hoyt, Frank W., Co. B 61 Inf.  
 Huber, Edward, Co. C 110 Inf.  
 Hummel, Elwood E., Co. M 109 Inf.  
 Hummel, Paul, Co. M 109 Inf.  
 Hunsicker, Clayton Henry, Co. M 109 Inf.  
 Huntz, Walter J., Co. B 325 Inf.  
 Hushwood, Bernard J., Co. C 111 Inf.  
 Husted, Charles J., Co. M 109 Inf.  
 Huston, Roy K., Co. C 110 Inf.  
 Hutchins, Fred A., Co. L 109 Inf.  
 Ickes, Leo, Co. A 30 Inf.  
 Idell, Bruce W., Co. M 109 Inf.
- Irvine, Bert R., Co. C 110 Inf.  
 Jacewicz, Antoni, Co. B 30 Inf.  
 Jackson, Edward C., Co. B 110 Inf.  
 Jasinski, Jan, Co. F 319 Inf.  
 Jefferson, Gifford, Co. H 112 Inf.  
 Jendricks, John H., Co. L 109 Inf.  
 Jenkins, Arthur B., Co. B 110 Inf.  
 Jenkins, Ralph, Co. M 109 Inf.  
 Johnson, Grover, Co. C 110 Inf.  
 Johnson, John Edward, Co. F 368 Inf.  
 Johnson, Theron E., Co. C 110 Inf.  
 Johnston, George W., Co. M 109 Inf.  
 Johnston, William A., Co. L 109 Inf.  
 Jokubik, John, Co. K 327 Inf.  
 Jones, Alfred P., Sec 524 Amb Corps.  
 Jones, Harold A., Co. G 112 Inf.  
 Jones, Herbert P., Co. C 110 Inf.  
 Jones, John W., Co. L 109 Inf.  
 Jones, Thomas, Co. B 317 Inf.  
 Jordan, Herbert V., Sec 506 Amb Serv.  
 Joyce, Leo, Co. L 109 Inf.  
 Judge, Thomas, Co. B 61 Inf.  
 Jukes, Edward, Co. A 60 Inf.  
 Juliano, Angelo, Co. F 319 Inf.  
 Juliano, Joseph, Co. C 110 Inf.  
 Kail, Albert J., Co. K 110 Inf.  
 Kane, Gust, Co. L 109 Inf.  
 Kasonski, Frank, Co. M 109 Inf.  
 Kaszewski, Antoni, Co. B 30 Inf.  
 Kauffman, Clayton Daniel, Jr., Co. G 112 Inf.  
 Kauffman, Frank, Co. C 110 Inf.  
 Kaupienis, Walter, Co. C 111 Inf.  
 Keeler, Charles H., Co. E 38 Inf.  
 Keenan, Joseph F., Co. C 110 Inf.  
 Keenan, Richard J., Co. C 110 Inf.  
 Keener, William F., Co. C 111 Inf.  
 Keil, Robert H., Co. M 109 Inf.  
 Keirsey, Walter H., Co. L 109 Inf.  
 Kelly, Frank E., Co. G 112 Inf.  
 Kemp, Hobart, Co. C 110 Inf.  
 Kennedy, James J., Co. L 109 Inf.  
 Kennedy, John H., Co. B 110 Inf.  
 Kies, Floyd Moreland, Co. G 112 Inf.  
 Killoran, John, Co. B 111 Inf.  
 Kimmel, Robert H., Co. L 109 Inf.  
 Kise, Leon H., Co. C 110 Inf.  
 Klaonicki, Waactaw, Co. M 60 Inf.  
 Knopp, John, Co. H 112 Inf.  
 Koch, Andrew, Co. C 110 Inf.  
 Kohler, Carl M., Co. F 109 Inf.  
 Konofsky, Fred, Co. H 60 Inf.  
 Kool, John, Co. M 6 Inf.  
 Koshko, John, Co. L 314 Inf.  
 Kramer, Bruce Liebernicht, Co. G 112 Inf.  
 Krasnisky, Joseph, Co. H 112 Inf.  
 Krasowski, Jan, Co. G 328 Inf.  
 Krazowski, Adol, Co. M 60 Inf.

## Pennsylvania—Continued

- Kublie, Fred, Co. H 112 Inf.  
 Lacey, Michael V., Co. L 109 Inf.  
 Ladshaw, William, Co. H 112 Inf.  
 Lansberry, Harold B., Co. L 111 Inf.  
 Larr, Robert, Co. L 109 Inf.  
 LaRussa, Peter, Co. G 112 Inf.  
 Levin, Joseph M., Co. M 109 Inf.  
 Lawrence, Belford R., Hq Co. 319 Inf.  
 Layding, Frank, Co. C 110 Inf.  
 Leckemby, Merle R., Co. C 110 Inf.  
 Leckemby, William R., Co. C 110 Inf.  
 Leeker, William, Jr., MG Co. 310 Inf.  
 Leemotios, Joe, Co. B 30 Inf.  
 Lehman, Oscar, Co. K 327 Inf.  
 Lehuky, Effim, Co. F 9 Inf.  
 Lester, Aaron, Co. A 327 Inf.  
 Lenhart, John H., Co. C 110 Inf.  
 Lenhart, Lewis R., Co. C 101 F Cig Bn.  
 Leon, Paollo, Co. B 60 Inf.  
 Lepore, Arthur A., Co. M 319 Inf.  
 Lesage, Benedik, Co. B 325 Inf.  
 Leslie, Earl, Co. C 110 Inf.  
 Lewis, Charlie Byron, Co. G 112 Inf.  
 Lewis, Daniel L., Co. C 316 Inf.  
 Lhyona, Joseph, Co. B 110 Inf.  
 Liberatore, Arthur, Co. M 109 Inf.  
 Lightner, Glen Arthur, Co. G 112 Inf.  
 Limbacher, Raymond J., Co. M 327 Inf.  
 Lindsay, William S., Co. H 112 Inf.  
 Lingardo, Cosmo, Co. C 110 Inf.  
 Linker, George Woodrulph, Co. M 109 Inf.  
 Litzel, Carl Frank, Co. G 167 Inf.  
 Liverone, Pasquale, Co. B 30 Inf.  
 Lizzo, Sebatino, Co. B 30 Inf.  
 Longeran, Gustav A., Co. M 109 Inf.  
 Loreti, Valentino, Co. M 109 Inf.  
 Losasso, Louis, Co. L 111 Inf.  
 Louth, George, Co. G 319 Inf.  
 Loveless, Leon J., Co. G 112 Inf.  
 Lucente, Epifanio, Co. L 109 Inf.  
 Lukatz, Louis M., Co. L 109 Inf.  
 McAdoo, Joseph S., Co. H 112 Inf.  
 McAfoose, William R., Co. B 30 Inf.  
 McCaffrey, James J., Co. L 109 Inf.  
 McCalister, Stewart, Co. G 112 Inf.  
 McCarthy, Michael J., Co. L 109 Inf.  
 McClain, William E., Co. F 315 Inf.  
 McClay, James J., Co. B 315 Inf.  
 McClellan, John A., Co. L 60 Inf.  
 McClintock, George Edward, Co. G 112 Inf.  
 McCloy, James, Co. H 109 Inf.
- McCluan, Howard S., Co. F 319 Inf.  
 McConnell, Frederick, Co. M 109 Inf.  
 McCool, Thomas H., Co. F 315 Inf.  
 McGuire, John L., Co. L 109 Inf.  
 McHenry, Charles W., Co. L 9 Inf.  
 McIntyre, Robert J., Co. C 110 Inf.  
 McIntyre, Wilson G., Co. C 110 Inf.  
 McKee, Hugh B., Co. L 109 Inf.  
 McKeown, Joseph A., Co. L 109 Inf.  
 McKinnis, Robert D., Co. B 110 Inf.  
 McKnight, Albert A., Co. K 324 Inf.  
 McLaughlin, Raymond Sylvester, Co. G 112 Inf.  
 McLean, Allan H., Co. G 112 Inf.  
 McMaster, Elmer J., Co. H 112 Inf.  
 McNeese, Frank R., Co. B 110 Inf.  
 MacDonald, Donald, Co. C 111 Inf.  
 Mahon, Joseph D., Co. K 109 Inf.  
 Maley, John, Co. M 319 Inf.  
 Malizia, Luigi, Co. G 112 Inf.  
 Mancuso, Domenick, Co. L 109 Inf.  
 Mandel, Leon, Co. B 110 Inf.  
 Mangino, Frank, Co. A 327 Inf.  
 Marassek, Frank, Co. M 109 Inf.  
 Marcavage, Charles P., Co. H 112 Inf.  
 Markel, Martin L., Co. C 110 Inf.  
 Markinovich, Joseph, Co. C 110 Inf.  
 Marther, Asaph L., Co. G 112 Inf.  
 Martinavage, Stiney C., Co. M 109 Inf.  
 Mason, Gerald B., Co. C 110 Inf.  
 Master, Ebner E., Co. A 327 Inf.  
 Matthews, Howard L., Co. L 109 Inf.  
 Mattia, Tony, Co. L 109 Inf.  
 Matukas, Frank, Co. A 104 Inf.  
 Matuszewski, Adam, Co. G 112 Inf.  
 Mazonis, William, Co. E 132 Inf.  
 Meehan, John F., Co. H 112 Inf.  
 Meier, August F., Co. E 132 Inf.  
 Meinholz, William H., Co. D 327 Inf.  
 Melchice, Luco A., Co. H 112 Inf.  
 Melia, Wilfrid, Co. C 110 Inf.  
 Meny, Joseph, Co. B 325 Inf.  
 Merget, William P., Sec 524 Amb Serv.  
 Metz, Harvey, Co. A 145 Inf.  
 Metz, William, Co. M 109 Inf.  
 Mikelkewicz, Waclow, Co. C 316 Inf.  
 Mildenberg, Abraham, Co. L 109 Inf.  
 Mildenberg, Abraham, Co. L 109 Inf.  
 Miles, William Alton, Co. G 112 Inf.  
 Miller, Howard M., Co. B 316 Inf.  
 Miller, Lawrence D., Co. F 38 Inf.  
 Miller, Raymond H., Co. L 109 Inf.  
 Miller, Walter Andrew, Co. M 109 Inf.  
 Millhouse, Harry F., Co. C 110 Inf.  
 Millman, Frederick C., Co. C 110 Inf.

## Pennsylvania—Continued

- Milrath, George J., Co. H 112 Inf.  
 Minnich, Emmett Emerson, Co. G 112 Inf.  
 Minnik, Frank, Co. K 327 Inf.  
 Mogel, Edward, Co. B 110 Inf.  
 Mohavski, John, Co. M 109 Inf.  
 Mohn, Clarence F., Co. M 109 Inf.  
 Monk, Clarence W., Med Det 110 Inf.  
 Monzo, Frank, Co. B 110 Inf.  
 Monzo, Peter, Co. B 110 Inf.  
 Moore, Kenneth, Sec 502 Amb Corps.  
 Moore, William H., Co. M 109 Inf.  
 Morris, Bernard J., Co. L 109 Inf.  
 Morrow, John E., Co. G 61 Inf.  
 Mosholder, Robert C., Co. C 110 Inf.  
 Moyer, Albert K., Co. A 60 Inf.  
 Muocitelli, Frank, Co. B 30 Inf.  
 Muech, Stanley, Co. L 109 Inf.  
 Mullen, James, Co. L 112 Inf.  
 Muller, Howard, San Det 109 Inf.  
 Murachver, Harry, Co. C 316 Inf.  
 Murska, Andrik, Co. K 109 Inf.  
 Musselman, John R., Co. M 109 Inf.  
 Musulin, Mike, Co. B 30 Inf.  
 Myers, George, Co. B 30 Inf.  
 Neel, Walter E., Co. B 110 Inf.  
 Neifeld, Benjamin, Co. A 327 Inf.  
 Neilson, John, Co. F 319 Inf.  
 Neiss, Joseph, Co. L 109 Inf.  
 Newman, Russell M., Co. H 112 Inf.  
 Niccolai, Duilio, Co. F 319 Inf.  
 Nirita, Cassimire, Co. B 30 Inf.  
 Nisenholtz, Samuel, Co. K 327 Inf.  
 Nitowski, Antoni, Co. F 319 Inf.  
 Norman, Leon, Co. M 145 Inf.  
 Northeimer, Harry L., Co. L 109 Inf.  
 Novik, Adam, Co. F 319 Inf.  
 Oakley, David H., Co. B 316 Inf.  
 O'Connell, Bert E., Co. M 109 Inf.  
 O'Hearn, James, Co. M 109 Inf.  
 Olinzock, Frank J., Co. F 319 Inf.  
 Olsenski, Stanley, Co. K 337 Inf.  
 Olson, Charles, Co. C 110 Inf.  
 Olson, George T., Co. H 112 Inf.  
 Onefresky, Julius, Co. M 109 Inf.  
 O'Neill, Francis P., Co. C 110 Inf.  
 O'Neill, Thomas L., Co. L 109 Inf.  
 Ortymowitz, Andrew, Co. H 109 Inf.  
 Ostrowsky, Walter, Co. A 320 Inf.  
 Owens, William F., Co. H 112 Inf.  
 Pacione, Angelo S., Co. B 110 Inf.  
 Paddock, Clarence P., Co. H 112 Inf.  
 Paradaro, Toni, Co. B 320 Inf.  
 Patterson, Charles, Co. K 110 Inf.  
 Paul, George, Co. B 30 Inf.  
 Paull, Frank W., Co. F 319 Inf.  
 Payne, Michael Thomas, Co. G 112 Inf.  
 Peck, Charles, Co. C 111 Inf.  
 Pedercini, Angelo, Co. D 109 Inf.  
 Pellegrino, Nicolo, Co. H 112 Inf.  
 Pellerato, Charles, Co. C 110 Inf.  
 Permagiani, Massimo, Co. H 319 Inf.  
 Perry, Arthur, Co. M 109 Inf.  
 Petre, Frank M., Co. G 112 Inf.  
 Petrusky, Andrew G., Co. C 110 Inf.  
 Pfeifer, Frank X., Co. M 319 Inf.  
 Pferdeort, Howard O., Co. E 30 Inf.  
 Pfluger, Valentine, Co. L 109 Inf.  
 Phillips, Thomas D., Co. M 109 Inf.  
 Pilotti, Joseph, Co. C 58 Inf.  
 Plopper, George M., Co. B 110 Inf.  
 Pohl, Max James, Hq Co. 112 Inf.  
 Pokslyk, Peter, Co. B 30 Inf.  
 Porter, Roger S., Co. F 319 Inf.  
 Potochny, Vasily, Co. I 166 Inf.  
 Price, Daniel D., Co. B 111 Inf.  
 Price, John David, Co. M 109 Inf.  
 Price, John H., Co. C 30 Inf.  
 Provenzano, Tony, Co. L 319 Inf.  
 Przewicki, Antoni, Co. G 112 Inf.  
 Przygucki, Czeslav, Co. M 109 Inf.  
 Puccio, Domenico, Co. C 110 Inf.  
 Pytel, Antonio, Co. C 110 Inf.  
 Quay, Richard G., Co. L 319 Inf.  
 Quering, August J., Co. F 319 Inf.  
 Ray, Henry S., Co. C 110 Inf.  
 Reck, Alfred Pierce, Co. M 109 Inf.  
 Redding, Joseph P., Co. C 110 Inf.  
 Reed, Robert B., Co. C 110 Inf.  
 Reeder, Arthur Earl, Co. M 109 Inf.  
 Regula, Stanley J., Co. L 109 Inf.  
 Riechman, Herman, Co. C 101 F Bn  
     Sig Corps.  
 Reifsnyder, Thomas, Co. H 112 Inf.  
 Reiter, George Peter, Co. F 319 Inf.  
 Renner, William R., Co. M 109 Inf.  
 Reolo, Joseph, Co. L 319 Inf.  
 Rhawn, Harold W., Co. H 112 Inf.  
 Rhines, Harry H., Co. H 112 Inf.  
 Rice, Frank, Co. L 109 Inf.  
 Richardson, Joseph, Co. M 38 Inf.  
 Richwine, Clair, Co. G 112 Inf.  
 Rinaldi, Tony, Co. I 11 Inf.  
 Ringler, Meredith C., Co. C 110 Inf.  
 Rips, Herman Paul, Co. M 109 Inf.  
 Ritz, John, Co. C 110 Inf.  
 Robb, David, Co. L 109 Inf.  
 Roberts, Arnold, Co. C 110 Inf.  
 Rodgers, John, Co. M 109 Inf.  
 Rodgers, Joseph, Co. E 112 Inf.  
 Rogers, Clair S., Co. L 109 Inf.  
 Rogers, Joseph, Jr., Co. L 109 Inf.  
 Roller, William L., MG Co. 327 Inf.  
 Rose, Earl, Co. C 60 Inf.  
 Rose, Lewis R., Co. B 30 Inf.  
 Ross, William H., Co. L 109 Inf.  
 Rossi, Carlo, Co. G 112 Inf.  
 Rossiter, Harold P., Co. G 109 Inf.

## Pennsylvania—Continued

- Roth, Claude Marion, Co. G 112 Inf.  
 Roth, Walter S., Co. B 110 Inf.  
 Rouch, Ernest A., Co. A 7 Inf.  
 Roussell, Jacob, Co. I 166 Inf.  
 Rush, Frank, Co. L 109 Inf.  
 Russell, Fred James, Co. M 109 Inf.  
 Russell, John M., Co. C 327 Inf.  
 Ryan, George, Co. M 109 Inf.  
 Sachrison, Kenneth Oscar, Co. G 112 Inf.  
 Sadowski, Stanlyi, Co. H 38 Inf.  
 Saida, Stanley, Co. F 319 Inf.  
 Saire, Nick, Co. F 319 Inf.  
 Salkeld, Samuel B., Co. C 110 Inf.  
 Salvitti, Petro, Co. F 38 Inf.  
 Samick, Jerome M., Co. H 112 Inf.  
 Sams, Corbly P., Co. F 319 Inf.  
 Sanders, Charles R., Co. F 58 Inf.  
 Sandler, Louis, Co. I 9 Inf.  
 Sandoni, Joe, Co. L 111 Inf.  
 Saphore, Ernest A., Co. G 112 Inf.  
 Saraceno, Antonio, Co. F 319 Inf.  
 Saylor, Clifford W., Co. C 110 Inf.  
 Scarlata, Joseph, Co. M 109 Inf.  
 Scharmuck, August, Co. L 109 Inf.  
 Schilling, August F., Co. M 109 Inf.  
 Schissler, James Joseph, Co. M 109 Inf.  
 Schissler, Leo H., Co. M 109 Inf.  
 Schmidmeister, Aloysius, Co. L 109 Inf.  
 Schneider, Raymond J., Co. F 319 Inf.  
 Scholl, Harry A., Co. F 319 Inf.  
 Schucker, Vernie, Co. H 112 Inf.  
 Schultz, Joseph, Co. B 30 Inf.  
 Schwab, Frank B., Co. B 110 Inf.  
 Scimonello, Calaggero, Co. F 319 Inf.  
 Scott, John H., San Det 112 Inf.  
 Scott, William F., Btry A 10 FA.  
 Seddon, Fred H., Co. C 111 Inf.  
 Sell, Claude W., Co. G 112 Inf.  
 Sevacus, Joseph, Co. C 316 Inf.  
 Sevits, Earl M., Co. C 110 Inf.  
 Shafer, Elmer, Co. M 109 Inf.  
 Shaffer, Homer A., Co. C 110 Inf.  
 Shaffer, Howard J., Co. H 112 Inf.  
 Shaffer, William H., Co. H 112 Inf.  
 Shaner, Mike, Co. F 109 Inf.  
 Shaner, William A., Co. B 110 Inf.  
 Shank, Frank, Co. G 112 Inf.  
 Shaw, Lloyd J., Med Det 110 Inf.  
 Sheerer, Friend, Co. M 109 Inf.  
 Sherman, Reid S., Co. H 112 Inf.  
 Sherry, Charlie A., Co. C 8 MG Bn.  
 Shields, John L., Co. H 112 Inf.  
 Shields, Lawrence Francis, Co. F 319 Inf.  
 Showaker, Edward S., Co. M 109 Inf.  
 Shroyer, Walter L., Co. D 110 Inf.
- Shrum, Chester R., Co. I 328 Inf.  
 Shvezdzo, Anton, Co. B 30 Inf.  
 Siegel, Nelson, Co. B 30 Inf.  
 Simmons, Fred H., Co. B 112 Inf.  
 Simon, John H., Jr., Sec 567 Amb Serv.  
 Simons, Henry, Co. M 109 Inf.  
 Singer, David, Co. L 109 Inf.  
 Slater, Bert A., Co. F 319 Inf.  
 Slemmer, William J., Co. L 109 Inf.  
 Smith, Charles A., Co. K 110 Inf.  
 Smith, Charles Willard, Co. G 112 Inf.  
 Smith, Dewey H., Co. C 110 Inf.  
 Smith, Earl J., Co. L 109 Inf.  
 Smith, Guss, Co. L 109 Inf.  
 Snoberger, Hilton, Co. C 110 Inf.  
 Snyder, Clark H., Co. M 109 Inf.  
 Snyder, Elmer E., Co. M 109 Inf.  
 Snyder, George, Co. M 109 Inf.  
 Snyder, George W., Co. L 319 Inf.  
 Snyder, Harry, Co. C 110 Inf.  
 Sobel, John, Co. C 110 Inf.  
 Sobonoki, John, Jr., Co. M 109 Inf.  
 Soefky, Randall Henry, Co. G 112 Inf.  
 Sofronsky, Charles, Co. L 109 Inf.  
 Sollenberger, Floyd N., Hq Co. 118 Inf.  
 Solomonides, Costas, Co. M 56 Inf.  
 Sorge, John, Co. G 112 Inf.  
 Sovicki, Frank, Co. C 4 Inf.  
 Spagel, John Fred, Co. G 112 Inf.  
 Spannuth, Earl L., Co. H 112 Inf.  
 Spicer, Robert F., Co. M 109 Inf.  
 Sprano, Charles, Co. C 110 Inf.  
 Staffieri, Tony, Co. O 110 Inf.  
 Stafford, William H., Co. L 111 Inf.  
 Stanathy, Stanislaw, Co. G 112 Inf.  
 Stankiewicz, Walter, Co. F 38 Inf.  
 Starr, Walter, Co. L 319 Inf.  
 Stauffer, William E., Co. M 109 Inf.  
 Stavola, James, Co. C 111 Inf.  
 Steifel, Charles R., Co. A 64 Inf.  
 Stein, John P., Co. L 319 Inf.  
 Stepanuck, Hawrial, Co. F 319 Inf.  
 Stevens, Allen John, Co. G 112 Inf.  
 Steward, Clifford P., Co. L 319 Inf.  
 Stewart, Oliver, Co. L 319 Inf.  
 Stone, Henry C., Co. F 319 Inf.  
 Stout, Elmer E., Co. F 319 Inf.  
 Streng, Luther, Co. C 110 Inf.  
 Stunski, Joseph S., Co. G 112 Inf.  
 Stutzman, Peter E., Co. C 110 Inf.  
 Sullivan, Steve, Co. B 110 Inf.  
 Sumienski, Stanislaw, Co. M 319 Inf.  
 Svitak, Henry, Co. C 5 MG Bn.  
 Sweeney, George W., Co. B 110 Inf.  
 Swope, Harry A., Co. M 319 Inf.  
 Szoszorek, Frank, Co. G 112 Inf.

## Pennsylvania—Continued

- Tabasco, Anthony, Co. B 316 Inf.  
 Tangle, Frank, Co. L 38 Inf.  
 Tartaglio, Joseph, Co. M 109 Inf.  
 Tenaglio, Emidio, Co. M 109 Inf.  
 Teyssier, Gustave, Co. B 111 Inf.  
 Thebes, Henry R., Co. D 60 Inf.  
 Thomas, Sam, Co. B 30 Inf.  
 Thompson, Henry E., Co. M 319 Inf.  
 Thompson, John, Co. K 328 Inf.  
 Thompson, William N., Co. M 109 Inf.  
 Thorpe, William Harry, Hq Co. 111 Inf.  
 Thorson, Regner E., Co. H 112 Inf.  
 Thrash, John A., Co. L 314 Inf.  
 Thull, Ferdinand J., Co. B 110 Inf.  
 Tinney, James J., Co. D 110 Inf.  
 Titus, Floyd O., Co. G 112 Inf.  
 Tolbert, Frank R., Co. G 112 Inf.  
 Tomeo, Angelo, Co. L 319 Inf.  
 Toomey, James, Co. L 109 Inf.  
 Tracewski, Joseph, Co. B 30 Inf.  
 Trainer, Robert E., Co. M 109 Inf.  
 Trapasso, Francisco, Co. F 319 Inf.  
 Trask, Hugh A., Co. G 112 Inf.  
 Travers, Aubury, Co. L 60 Inf.  
 Trought, Harry L., Co. E 114 Inf.  
 Tumasz, Frank, Co. K 315 Inf.  
 Turco, Antonio, Co. B 30 Inf.  
 Turney, Raymond, Co. B 30 Inf.  
 Ushler, Frank, Co. M 109 Inf.  
 Vadluga, Paul, Co. K 60 Inf.  
 Valentine, James T., Co. L 109 Inf.  
 Valictry, Charles, Co. L 109 Inf.  
 Vance, John W., Co. G 112 Inf.  
 Vannear, Frank R., Co. C 110 Inf.  
 Vanselow, Walter, Co. B 325 Inf.  
 Van Sickle, Miles E., Co. M 109 Inf.  
 Velord, Veter, Co. L 109 Inf.  
 Vinskowske, Staney E., Co. F 319 Inf.  
 Viola, Michael, Co. M 109 Inf.  
 Virgin, Melvin V., Co. L 111 Inf.  
 Voelmle, Edward, Co. B 110 Inf.  
 Vogt, Henry G., Co. G 112 Inf.  
 Voigtsberger, William C., Co. L 109 Inf.  
 Volpe, Alfred V., Co. C 30 Inf.  
 Waclawek, John, Co. A 148 Inf.  
 Wadle, Fred, Co. L 109 Inf.  
 Wagner, Charles Fred, Co. B 109 Inf.  
 Waggoner, Russell H., Co. C 110 Inf.  
 Walker, Ducoing J., Co. M 109 Inf.  
 Wall, Fred, Co. E 316 Inf.  
 Wallace, Ernest A., Co. C 110 Inf.  
 Waller, William, Co. L 9 Inf.  
 Wallrath, Harry, Co. C 110 Inf.  
 Walters, Ira B., Co. K 327 Inf.  
 Washco, John, Co. K 110 Inf.  
 Waterman, Robert D., Co. L 109 Inf.  
 Watson, Harry, Co. H 145 Inf.  
 Watt, Ernest F., Co. I 112 Inf.  
 Weaver, Martin Luther, Co. G 112 Inf.  
 Webb, Leroy, San Det 109 Inf.  
 Webreck, Robert D., Co. C 110 Inf.  
 Weidman, Irwin H., Co. G 11 Inf.  
 Weimer, Ralph, Co. C 110 Inf.  
 Welch, George H., Co. M 326 Inf.  
 Welch, George H., Co. M 319 Inf.  
 Welshons, Fred H., Co. M 319 Inf.  
 Wernicki, Stanley, Co. M 109 Inf.  
 West, Charles W., Co. M 109 Inf.  
 Westerberg, Ivar E., Co. L 109 Inf.  
 Weston, Warner S., Co. C 110 Inf.  
 Wetzel, Robert B., Co. M 109 Inf.  
 Wheeler, Charles W., Co. G 112 Inf.  
 While, Thomas J., Co. G 112 Inf.  
 White, Edward T., Co. L 109 Inf.  
 Whitehead, Edward D., Co. M 109 Inf.  
 Widkowskey, Joseph, Co. C 30 Inf.  
 Wiley, Eugene N., Co. M 319 Inf.  
 Wilkinson, Vivian E., Co. B 110 Inf.  
 Williams, Edward, Co. D 28 Inf.  
 Wills, Harry W., Co. L 111 Inf.  
 Wilson, Harry, Co. B 30 Inf.  
 Wilson, John K., Co. C 110 Inf.  
 Wingert, Howard M., Co. M 115 Inf.  
 Wink, Conrad, Co. L 319 Inf.  
 Winship, Sydney J., Co. L 109 Inf.  
 Wisniewski, Stanley, Co. H 60 Inf.  
 Woelfel, William J., Jr., Co. B 110 Inf.  
 Wojczyński, Roman A., Co. F 315 Inf.  
 Wolf, Lloyd R., Co. B 38 Inf.  
 Woodward, Edgar M., Co. C 110 Inf.  
 Wright, William Jenks, Sec 642 Amb Serv.  
 Wyesneski, Joseph S., Co. K 23 Inf.  
 Wylie, John J., Co. D 325 Inf.  
 Yeafol, Joe, Co. A 327 Inf.  
 Yoder, Frank E., Co. G 112 Inf.  
 Yonkon, Alex, Co. G 111 Inf.  
 Yonkoski, Halet, Co. B 111 Inf.  
 Yorty, Charlie W., Co. C 110 Inf.  
 Yowler, Charles, Co. F 319 Inf.  
 Yusevitz, Andrew, Co. B 30 Inf.  
 Zaicaretti, Ernest, Co. F 319 Inf.  
 Zhorella, Frank A., Co. C 110 Inf.  
 Zimmerman, Arthur W., Co. C 110 Inf.  
 Zimmerman, Norman L., Co. C 110 Inf.  
 Zinkan, Clarence H., Co. B 110 Inf.  
 Zoccoli, Loreto, Co. C 110 Inf.  
 Zoleski, John, Co. M 109 Inf.  
 Zueger, Emil, Co. K 26 Inf.  
 Zullo, Joseph, Co. C 110 Inf.

## APPENDIX IX

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### RHODE ISLAND

#### Officers

Morgan, Roland J., 1st Lt., 79 Aero Sq.  
Tillinghast, Theose E., 1st Lt., 17 Aero Sq.

#### Enlisted Men

Acquavivo, Domenico, Co. K 327 Inf.  
Barracough, Edward, Co. G 326 Inf.  
Cancellieri, Agostino, Co. M 319 Inf.  
Cardell, William, Btry C 103 FA.  
Collins, Elijah, Btry C 103 FA.  
Cornell, Charles E., Co. K 327 Inf.  
D'Ambra, Giachino, Co. A 306 Inf.  
Delaney, Edward Charles, MG Co. 306 Inf.  
Drew, Ralph L., Co. D 325 Inf.  
Fortin, Antonio P., Co. I 328 Inf.  
Fortin, George N., 104 Amb Co. 101 Sn Tn.  
Gallagher, William J., Co. D 325 Inf.  
Garton, Howard M., 104 Amb Co. 101 Sn Tn.  
Gledhill, Lloyd H., Co. B 310 Inf.  
Hetu, Joseph R., Btry A 10 FA.  
Hirons, Arthur R., MG Co. 310 Inf.  
Jalbert, Jean B., Co. K 61 Inf.  
James, Harry K., Sec 642 Amb Corps.  
Lawton, Raymond, Co. B 61 Inf.  
Lee, Eric A., Btry C 103 FA.

Lesperance, Pierre Exeus, Co. L 326 Inf.  
Lufkin, Harry M., 104 Amb Co. 101 Sn Tn.  
Martenelli, Pasco, Co. E 56 Inf.  
Mielewski, Eugene C., 104 Amb Co. 101 Sn Tn.  
Mincheff, Many, Co. C 26 Inf.  
Moreau, Herman F., 104 Amb Co. 101 Sn Tn.  
O'Toole, Stephen, Co. H 114 Inf.  
Page, Armand, MG Co. 327 Inf.  
Pitochelli, James E., Btry C 103 FA.  
Rawlinson, Thomas, Co. D 327 Inf.  
Rock, Alterio, Co. M 310 Inf.  
Sefton, William H., Btry C 103 FA.  
Sutcliffe, Frank, Btry C 103 FA.  
Swanlund, William Hjalmar, MG Co. 310 Inf.  
Tucker, Harold W., Btry C 103 FA.  
Turner, George E., Co. A 103 MG Bn.  
Waters, Thomas J., Jr., Co. F 61 Inf.  
Wolf, Walter S., Btry B 103 FA.

### SOUTH CAROLINA

#### Officers

Hunter, Philip W., 1st Lt., Med. Corps.  
Rhett, Robert E., 1st Lt., Med. Corps.  
Plyler, William H., 1st Lt., 27 Aero Sq.

#### Enlisted Men

Ashmore, Paschal, 8th Inf Hdqrs Co.  
Barwick, Ben T., Co. B 128 Inf.  
Cranmer, William R., Co. I 16 Inf.  
Gilbert, Beauford D., Co. H 308 Inf.  
Hunter, Joseph S., Co. K 118 Inf.

McSwain, Thurston, Co. C 16 Inf.  
Moon, Tarrence, Co. L 369 Inf.  
Roberts, Fred, Co. A 38 Inf.  
Webber, Albert W., Co. L 324 Inf.  
Woffard, Boyce D., Co. H 61 Inf.

### SOUTH DAKOTA

#### Officers

None.

#### Enlisted Men

Dougherty, Frank F., MG Co. 30 Inf.  
Franks, Melvin A., Co. H 159 Inf.  
Gunther, Herbert F., Co. E 58 Inf.  
Hanson, Helmer, Co. I 361 Inf.

Holsworth, William H., Co. H 110 Inf.  
Kiehn, Herman Henry, Co. K 119 Inf.

**South Dakota--Continued**

Laughlin, James W., Co. K 127 Inf.	Steiger, Emanuel, MG Co. 30 Inf.
McMullen, William F., Co. L 308 Inf.	Stone, Paul, Co. E 357 Inf.
Ploos van Amstel, Adrian, 342 FA Med Det.	Stotz, John, MG Co. 30 Inf.
Roberts, Edward M., Co. D 16 Inf.	Veflin, Christ, Co. A 30 Inf.
Romerein, Fred R., Co. E 308 Inf.	Wickersham, Jesse M., Co. K 306 Inf.
	Yost, John M., Co. K 362 Inf.

**TENNESSEE****Officers**

Morris, John W., Capt., Med. Res. Corps.  
 Puryear, George W., 1st Lt., 95 Aero Sq.  
 Ratterman, George E., 1st Lt., 96 Aero Sq.  
 Wardle, Herbert A., 1st Lt., Air Service.  
 Baxter, Meriwether L., 2nd Lt., Co. L 55 Inf.  
 Flippin, Eric B., 2nd Lt., Co. M 110 Inf.

**Enlisted Men**

Adcock, John H., Hq. Co. 117 Inf.	Grubbs, Charlie A., Co. I 117 Inf.
Amacher, Adolph F., Co. I 117 Inf.	Haney, Fred, Co. I 117 Inf.
Bates, Lemuel, Co. L 327 Inf.	Harbison, Vernon M., Co. L 328 Inf.
Beadle, Robert A., Co. K 327 Inf.	Hewgley, Ira G., Co. D 318 MG Bn.
Boyd, Alonzo N., Co. G 131 Inf.	Jones, Arthur E., Co. E 109 Inf.
Brewer, John S., Co. G 131 Inf.	Kimes, Clarence F., Co. E 119 Inf.
Bryant, Albert A., Co. E 110 Inf.	Krouse, Philip, Co. A 327 Inf.
Burns, Luther A., Hq Co. 6 Inf.	Lay, Everett, Co. K 324 Inf.
Carver, Leonard H., Co. K 127 Inf.	Lynch, John I., Co. A 327 Inf.
Chiavella, Filomeno, Co. B 30 Inf.	McCaleb, Walter, Co. I 117 Inf.
Cobble, Charles N., Sn Det 117 Inf.	McClarin, Henry, Co. E 368 Inf.
Cole, Marvin L., Co. I 117 Inf.	Merrell, Hugh H., Co. K 327 Inf.
Cowars, Brownlow, Co. L 368 Inf.	Moore, Joseph H., Co. L 119 Inf.
Cowell, Mitchel M., Co. D 18 Inf.	Moore, Robert H., Co. I 117 Inf.
Dodson, Fred, Co. K 327 Inf.	Neal, George, Co. L 368 Inf.
Driver, John L., Co. B 328 Inf.	Parks, Silvanus, Co. A 6 Inf.
Dugger, Josiah H., Co. I 117 Inf.	Ramsey, Lee, Co. L 109 Inf.
Eslick, John H., Co. E 119 Inf.	Randall, Marvin, Co. D 318 MG Bn.
Fife, Herman E., Co. D 318 MG Bn.	Rich, Walker, Co. I 117 Inf.
Gibbons, William E., Co. D 318 MG Bn.	Rowe, Horace C., Co. C 322 Inf.
Gibson, John William Columbus, Co. M 325 Inf.	Smith, Edgar W., Co. D 318 MG Bn.
Grant, Jess E., Co. K 127 Inf.	Smith, Willard G., Co. K 117 Inf.
Gribble, George, Co. K 127 Inf.	Tice, Frederick E., Co. M 316 Inf.

**TEXAS****Officers**

Goodman, John F., Capt., Co. B 102 Inf.  
 Aldworth, Richard Thomas, 1st Lt., 213 Aero Sq.  
 Bradfield, William Landon, 1st Lt., 1101 Aero Sq.  
 Campbell, Raymond C., 1st Lt., Co. E 360 Inf.  
 Morgan, James B., 1st Lt., Co. H 359 Inf.  
 Leak, James V., 2nd Lt., Co. E 308 Inf.  
 Tucker, Rowan H., 2nd Lt., 96 Aero Sq.  
 Vaughan, Clyde C., 2nd Lt., Co. I 166 Inf.

## Texas—Continued

## Enlisted Men

- Adams, William Henry, Co. K 357 Inf.  
 Adcock, Floyd, Co. F 359 Inf.  
 Allen, James I., Co. D 102 Inf.  
 Alvarez, Louis, Co. I 360 Inf.  
 Bishop, Joseph H., Co. F 359 Inf.  
 Bradford, Walter Lane, Co. A 39 Inf.  
 Britz, Peter, Co. L 316 Inf.  
 Bryant, Bunyan, Co. H 149 Inf.  
 Buckner, Carl J., Co. C 140 Inf.  
 Castaneda, Jose, Co. L 358 Inf.  
 Cobb, Arthur C., Co. I 142 Inf.  
 Coberly, Clifford, Co. M 142 Inf.  
 Collins, Joshua M., Co. I 9 Inf.  
 Comer, Henry G., Co. I 360 Inf.  
 Elizondo, Bernardo, Co. C 127 Inf.  
 Farner, Fred, Co. F 359 Inf.  
 Ficklin, John T., Co. K 142 Inf.  
 Flores, Onofre, Co. G 127 Inf.  
 Fuqua, Lee Roy, Co. M 142 Inf.  
 Gallegger, James D., Co. F 359 Inf.  
 Gilley, Asa, Co. A 39 Inf.  
 Gilson, Eddie J., Co. F 359 Inf.  
 Green, Herbert Arthur, Co. F 359 Inf.  
 Hagg, Tor R. S., Co. G 128 Inf.  
 Hall, John B., Co. I 360 Inf.  
 Hans, John L. G., Co. A 132 MG En.  
 Harris, O. C., Co. G 326 Inf.  
 Heyer, Reinhold, Co. B 357 Inf.  
 Holman, James P., Co. F 142 Inf.  
 Holtzclaw, Major, Co. D 359 Inf.  
 Howe, Herbert C., Amb Co. #5 Sn Tn #2.  
 Huckabee, Lazelle, Co. C 142 Inf.  
 Jackson, Jesse J., Co. F 359 Inf.  
 Jones, Marion V., Co. F 358 Inf.  
 Kennedy, John S., Co. E 114 Inf.  
 Killebrew, Floyd S., Co. F 359 Inf.  
 King, Ernest J., Co. H 58 Inf.  
 Kossey, Richard Hines, Co. G 359 Inf.
- Kramer, Henry, Co. G 359 Inf.  
 Lackey, Alva J., Co. E 114 Inf.  
 Leeper, James F., Co. H 114 Inf.  
 Lummus, Willie E., Co. H 359 Inf.  
 Marchbanks, Jovan F., Co. F 359 Inf.  
 Meadows, Joe B., Co. E 315 Engrs.  
 Miller, Samuel E., Co. M 39 Inf.  
 Mitchell, Edward V., Co. H 142 Inf.  
 Morgan, Otho, Co. H 359 Inf.  
 Morrison, Max, Co. I 127 Inf.  
 Murphy, Jeff D., Co. F 143 Inf.  
 Odee, William, Jr., Co. H 359 Inf.  
 Pearson, David, Co. I 360 Inf.  
 Phillips, Thomas R., Co. F 359 Inf.  
 Pierson, Truitt B., Co. G 359 Inf.  
 Plummer, Joseph Luther, Co. B 163 Inf.  
 Pruitt, Andee L., Co. I 360 Inf.  
 Rainwater, Thomas William, Co. E 56 Inf.  
 Ramoz, Ciprian, Co. K 127 Inf.  
 Reich, Selig, Co. M 105 Inf.  
 Robertson, Tom, Co. B 30 Inf.  
 Rodriguez, Jose, Co. E 141 Inf.  
 Sanders, Jewel E., Hdq Co. 142 Inf.  
 Simpson, Reuben L., Med Det 6 Engrs.  
 Smith, Carl F., Co. M 142 Inf.  
 Smith, William E., Co. B 23 Inf.  
 Stelmachowski, Casper, Co. C 18 Inf.  
 Suddeh, Jetson E., Co. B 125 Inf.  
 Taylor, Ottis, Hq Co. 128 Inf.  
 Thornley, Charles D., Co. A 142 Inf.  
 Tidwell, Hugh, Co. K 142 Inf.  
 Tribble, Chester B., Co. F 359 Inf.  
 Walker, Allen P., Co. E 141 Inf.  
 Wallace, Rufus E., Co. D 359 Inf.  
 Wasek, Charles R., Co. B 325 Inf.  
 Westbrook, Tant R., Co. I 142 Inf.  
 Wilson, Estill A., Co. F 359 Inf.  
 Wppard, Malcolm P., Co. B 102 Inf.  
 Woods, Martin L., Co. D 328 Inf.

## UTAH

## Officers

Dunford, George M., 1st Lt., Co. I 131 Inf.

## Enlisted Men

- Bracco, Joe, Co. A 109 Inf.  
 Helm, Seth W., Co. F 362 Inf.  
 Johnson, Raymond J., Co. H 109 Inf.  
 McMullin, George D., Co. L 362 Inf.
- Murdock, Harvey M., MG Co. 30 Inf.  
 Rhodin, William C., Co. G 362 Inf.  
 Williams, John H., Co. M 16 Inf.

## VERMONT

## Officers

Deming, Robert M., Capt., Med. Corps.  
 Hinman, George Willard, 1st Lt., 8 Balloon Co.  
 Styles, Cassius H., 1st Lt., 12 Aero Sq.  
 Tenney, Walter M., 2nd Lt., Co. B 102 MG. Bn.

## Enlisted Men

Bushee, Alfred F., Co. K 18 Inf.	Leach, John A., Co. M 38 Inf.
Charrette, Clyde D., Co. B 102 MG Bn.	Manning, Michael J., Co. B 103 MG
Davis, Harry R., Co. A 103 MG Bn.	Manning, Ralph H., Co. G 58 Inf.
Flavin, John P., Co. B 102 Inf.	Ouellette, Oliver J., Co. B 102 MG
Garand, Albert, Co. B 102 MG Bn.	Bn.
Hale, Lee C., Co. A 56 Engrs.	Rodgers, Earle C., Co. B 102 MG Bn.
Heon, Arthur, Co. B 102 Inf.	Rowe, Dascomb P., Co. B 102 MG
Hier, William B., Co. B 102 MG Bn.	Bn.
Johnson, Edward H., Co. I 115 Inf.	Wright, Raymond H., Co. B 28 Inf.

## VIRGINIA

## Officers

Jenkins, William H., 1st Lt., Med. Corps.  
 Nelson, John C., 1st Lt., Co. F 119 Inf.  
 Groner, Robert Newell, 2d Lt., Air Serv.

## Enlisted Men

Arnold, Clarence B., Co. C 11 MG	Griffith, William Pearly, Co. F 7 Inf.
Barfoot, Edgar H., Co. B 116 Inf.	Harvey, Walter D., Co. G 131 Inf.
Bartley, Dillard M., Co. E 167 Inf.	Hodge, George N., Co. K 18 Inf.
Blankenship, Joe, Co. H 112 Inf.	Hudson, William, Co. B 38 Inf.
Boyd, Palmer V., Sn Det 38 Inf.	Hull, Albert R., Co. B 317 Inf.
Brackens, William J., Co. K 127 Inf.	Jernigan, Henry V., Co. C 111 Inf.
Bralley, Grover C., Co. K 129 Inf.	Lacy, Oswell F., Co. D 16 Inf.
Brown, Joshie, Co. B 38 Inf.	Logan, Willie W., Co. H 38 Inf.
Burger, Willie D., Co. D 102 Inf.	Neer, Edwin P., Co. H 38 Inf.
Carroll, Joseph E., Co. H 38 Inf.	Nellis, Walter T., MG Co. 116 Inf.
Cobbs, Herman E., Co. G 131 Inf.	Norvell, Albert, Co. E 38 Inf.
Collins, Hugh C., Co. F 129 Inf.	Peters, Henry H., Co. L 109 Inf.
Cook, Archie, Co. F 38 Inf.	Reese, Carl H., Co. K 116 Inf.
Crenshaw, John A., Co. F 38 Inf.	Ringley, Conley B., Co. C 167 Inf.
Daniel, Robert, Co. F 369 Inf.	Six, Charles C., Co. B 38 Inf.
Darman, Chester, Co. H 16 Inf.	Snyder, John F., Co. B 112 MG Bn.
Davis, Olie G., Co. I 18 Inf.	Tatum, Roscoe Ingram, Co. L 165 Inf.
Deeds, Robert L., Co. D 103 Inf.	Thornton, Philip T., Co. D 128 Inf.
Deel, Bailey, Co. H 112 Inf.	Tignor, Major, Co. E 38 Inf.
Dolly, Olie C., Co. L 319 Inf.	Trent, Mack, Co. K 18 Inf.
Drewer, Milton L., Co. I 38 Inf.	Whitlock, Asa, Co. F 319 Inf.
Drummond, Edward L., Co. A 6 Inf.	Wolfe, Raymond D., Co. B 317 Inf.
Evans, William C., Co. E 38 Inf.	

## WASHINGTON

## Officers

Archibald, Norman S., 1st Lt., 95 Aero Sq.  
 Evans, Thomas Phillips, J., 1st Lt., 13 Aero Sq.

**Washington—Continued****Enlisted Men**

Berg, Axel, Co. E 167 Inf.	Millam, Bruce V., Co. K 18 Inf.
Bullard, Harold C., Co. H 31 Inf.	Nelson, William C., Co. F 18 Inf.
Cadonau, Chris H., Co. K. 362 Inf.	Norris, William, Co. C 18 Inf.
Christakos, Louis D., Co. B 9 Inf.	Passmore, James L., Co. D 104 Inf.
Erickson, Ernest W., Co. K 101 Inf.	Paulson, Oscar, Co. C 308 Inf.
Hoagland, Dale V. F., Co. H 109 Inf.	Pietila, Waine, Co. C 128 Inf.
Holm, Ashjorn, Co. K 18 Inf.	Ronhaar, John, Jr., Co. C 110 Inf.
Kincaid, Arthur R., Co. G 316 Inf.	Tuben, Renar, Co. C 110 Inf.
King, Joseph, Co. C 308 Inf.	Turco, Ralph, Co. B 6 Engrs.
Krause, Fred, Co. C 363 Inf.	Wiley, Jesse J., Co. D 61 Inf.
Lavis, William F., Co. H 109 Inf.	Weinhold, Frederick A., Co. E 308
Level, John A., Jr., Co. H 105 Inf.	Inf.
Lewis, Hugh, Co. A 16 Inf.	

**WEST VIRGINIA****Officers**

Mayes, Howard G., 1st Lt., 91 Aero Sqdn.

**Enlisted Men**

Bailey, Delbert, Co. H 112 Inf.	Lockridge, Harry D., Co. G 9 Inf.
Bailey, Zachariah, Co. H 112 Inf.	Mancina, Antonio, Co. L 125 Inf.
Baker, Benton B., Med Det 308 Inf.	Markiewicz, Wladyslaw, Co. I 115
Ball, Earnest T., Co. G 131 Inf.	Inf.
Bess, Everett, Co. G 131 Inf.	Markle, Edwin, Co. B 102 Inf.
Bohon, Walter B., Co. C 110 Inf.	Marsteller, Floyd R., Co. M 319 Inf.
Casto, Charles W., Co. C 111 Inf.	Martin, Edward D., Co. F 119 Inf.
Clay, Robert T., Co. I 18 Inf.	Miller, Henderson, Co. M 132 Inf.
Cook, Cluster C., Co. F 7 Inf.	Osush, John N., Co. G 60 Inf.
Crum, Edward, Co. C 119 Inf.	Pyles, Alva C., Co. M 302 Inf.
Fain, Pleasant R., Co. M 146 Inf.	Rankin, Robert L., Co. G 131 Inf.
Fisher, Stowie R., Med Det 308 Inf.	Siers, Frank, Co. M 23 Inf.
Glover, Harry B., Co. D 128 Inf.	Smith, Howard W., Sec 567 Amb.
Godfrey, Talmage, Co. E 34 Inf.	Corps.
Hannig, Ernest J., Co. F 7 Inf.	Stewart, William H., Co. B 7 MG Bn.
Harshbarger, William E., Co. B 7	Taylor, Curtis E., Co. I 16 Inf.
Inf.	Thomas, Earl H., Co. C 111 Inf.
Hedrick, William F., Co. K 127 Inf.	Underwood, Hessie B., Co. C 111 Inf.
Kelley, Edgar J., Co. M 319 Inf.	Wells, Charles S., Co. A 128 Inf.
Kemble, Evert L., Co. I 11 Inf.	Williamson, John James, Co. F 319
Knight, David Bruce, Co. M 167 Inf.	Inf.
Knight, Joseph F., Co. C 111 Inf.	Workman, Garland L., Co. F 319 Inf.
Komestakes, Nik, Co. F 38 Inf.	Yates, Malcolm, Co. K 61 Inf.

**WISCONSIN****Officers**

Bruins, Dick, Major, 107 Sn. Tn.	
Mitten, Arthur A., Capt., 125 Amb. Co. 107 Sn. Tn.	
Dempsey, Gregory W., 1st Lt., Co. F 128 Inf.	
Ellis, Robert H., 1st Lt., 17 Aero Sq.	
Richardson, Glenn C., 1st Lt., 20 Aero Sq.	
Crowns, George H., 2nd Lt., Btry. A 10 FA.	
Deneen, Andrew C., 2nd Lt., Co. C 128 Inf.	
Murphy, Lawrence W., 2nd Lt., Co. C 119 Inf.	

## Wisconsin—Continued

## Enlisted Men

Adamski, Joseph, Co. K 127 Inf.  
 Amundsen, Bjarne A., Co. I 127 Inf.  
 Anderson, John A., Co. A 312 Inf.  
 Auster, Edward F., Co. H 130 Inf.  
 Baber, Fred Gust, Co. B 309 Inf.  
 Beisbier, Peter J., Co. G 101 Inf.  
 Bickle, Harry, Hdq. Co. 128 Inf.  
 Borski, Jacob, Co. K 127 Inf.  
 Bratkowski, Edward, Co. K 127 Inf.  
 Brehmer, Arnold, Co. G 47 Inf.  
 Breit, Joseph, Jr., Co. C 111 Inf.  
 Budlong, Alvin, Co. I 127 Inf.  
 Burt, Chester, Co. F 27 Inf.  
 Cannon, Roy C., Co. A 124 MG Bn.  
 Cardarelle, Joe, Co. A 128 Inf.  
 Cornelius, Henry W., Co. H 38 Inf.  
 Dura, Alex, Co. K 127 Inf.  
 Firary, Louis E., Co. M 56 Inf.  
 Fisher, Leslie M., Co. B 30 Inf.  
 Fohrman, William Fred, Co. L 18 Inf.  
 Grunewald, Walter John, Co. C 312 Inf.  
 Guenther, Frederick C., Co. B 102 Inf.  
 Haley, Ebenezer L., Co. M 110 Inf.  
 Hart, Joseph F., Co. G 309 Inf.  
 Hejdak, Boleslaus, Co. A 311 Inf.  
 Holverson, Percy, Co. I 128 Inf.  
 Houghton, Walter L., Co. F 128 Inf.  
 Humphrey, Reuel G., Co. A 127 Inf.  
 Hurter, John, Co. B 102 Inf.  
 Jelinske, Frank, Co. F 128 Inf.  
 Jurgensen, Einar C., Co. D 130 Inf.  
 Kane, James, Co. A 124 MG Bn.  
 Kemkowski, Rudolf, Co. I 47 Inf.  
 Kraatz, George A., Co. B 60 Inf.  
 Kreklow, Arthur, Co. A 124 MG Bn.  
 Kudlinski, Stanley, Co. L 127 Inf.

Landskron, Louis Robert John, Co. A 311 Inf.  
 McGuine, Basil, MG Co. 16 Inf.  
 McInnis, John A., Co. E 127 Inf.  
 Michalak, Andrew, Co. K 127 Inf.  
 Morella, Eugene, Co. K 106 Inf.  
 Mott, Sam, Co. F 312 Inf.  
 Otto, William J., Co. D 127 Inf.  
 Peterson, Henry F., Co. A 124 MG Bn.  
 Peterson, Peter N., Co. C 39 Inf.  
 Powell, Ansil B., Co. D 128 Inf.  
 Ramaker, Eugene, Co. C 127 Inf.  
 Refsdal, Nels, Co. G 309 Inf.  
 Reinhardt, Christ, Co. C 127 Inf.  
 Rindle, Joseph R., Co. D 53 Inf.  
 Schlueter, Leon R., Co. A 124 MG Bn.  
 Schmalung, Victor H., Co. B 16 Inf.  
 Sobek, Steve, Co. K 127 Inf.  
 Steinert, Henry H., Co. G 309 Inf.  
 Swinka, Stanislaw, Co. K 127 Inf.  
 Sybeldon, Anton, Co. G 128 Inf.  
 Sydnor, Thomas, Co. B 61 Inf.  
 Szualakiewicz, Walter, Co. K 127 Inf.  
 Tank, Arthur, Co. D 58 Inf.  
 Thrasher, Eugene, Co. G 309 Inf.  
 Troy, Gasper, Co. A 124 MG Bn.  
 Tveit, Gilbert, Co. D 130 Inf.  
 Wagner, Albert F., Co. B 102 Inf.  
 Wagner, Ray P., Amb Sec Hdq 107 Sn Tn.  
 Weinhold, Walter, Co. B 102 Inf.  
 Westfall, Frank, Co. F 131 Inf.  
 Woldal, Solfest B., Co. I 7 Inf.  
 Young, Archie G., Co. A 310 Inf.  
 Siemer, Arthur G., Co. B 102 Inf.  
 Zimmer, Emory L., Co. B 102 Inf.  
 Zorman, Frank, Co. C 127 Inf.

## WYOMING

## Officers

None.

## Enlisted Men

Cordova, Jose E., Co. C 109 Inf.  
 Duhrkoop, Harry L., Co. B 6 Engrs.  
 Larson, Erik Ed., Co. K 127 Inf.

Van Henkelom, Henry C., Co. C 357 Inf.



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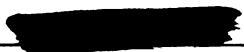
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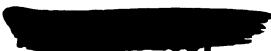
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